



The Municipal Corporation of the Town of Fort Erie

BY-LAW NO. 7-2000

**BEING A BY-LAW TO RE-ESTABLISH THE COMMITTEE OF
ADJUSTMENT, MAKE APPOINTMENTS THERETO, TO AMEND
BY-LAW NO. 200-85 AND TO REPEAL BY-LAW NO. 2045-83 (C12)**

WHEREAS Section 44(1) of the *Planning Act*, R.S.O. 1990, Chapter P.13 as amended provides the council of the municipality may by by-law constitute and appoint a committee of adjustment for the municipality composed of such persons, not fewer than three, as the council considers advisable, and

WHEREAS By-law No. 2045-83 was passed by the Council of the Town of Fort Erie to constitute and appoint a Committee of Adjustment under the new *Planning Act*, R.S.O. 1983 for the consideration of minor variance requests, and

WHEREAS By-law No. 2045-83 did not properly constitute the Committee of Adjustment but rather made appointments thereto and it is deemed desirable to re-establish the Committee of Adjustment in accordance with the provisions of the aforesaid *Planning Act*, and

WHEREAS By-law No. 206-99 was passed by the Municipal Council of the Town of Fort Erie on the 13th day of December 1999 delegating to the Committee of Adjustment for the said Town the authority for the giving of consents under Section 53 of the *Planning Act*, and

WHEREAS under Report No. PPS-101-99 approved at the Council-in-Committee meeting of December 6, 1999 authority was granted to increase the size of the Committee of Adjustment by two (2) members from five to seven, and

WHEREAS notice was placed in the local paper inviting applications for appointments to the expanded Committee of Adjustment, and

WHEREAS by this by-law it is deemed desirable to re-establish the Committee of Adjustment, to make appointments to the expanded Committee of Adjustment, to amend Council Rules of Procedure By-law No. 200-85 as amended and to repeal By-law No. 2045-83;

NOW THEREFORE the Municipal Council of The Corporation of the Town of Fort Erie hereby enacts as follows:

- (1) **THAT** a Committee of Adjustment be and it is hereby constituted for the Town of Fort Erie.

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- (2) **THAT** the Committee shall be composed of seven citizen appointees who shall hold office for the term of the Council.
- (3) **THAT** members of the Committee shall hold office until their successors are appointed, and are eligible for reappointment, and where a member ceases to be a member before the expiration of his or her term, Council shall appoint another eligible person for the unexpired portion of the term.
- (4) **THAT** three (3) members shall constitute a quorum.
- (5) **THAT** subject to Section (4) above, a vacancy in the membership or the absence or inability of a member to act does not impair the powers of the Committee of Adjustment or of the remaining members.
- (6) **THAT** the members of the Committee of Adjustment shall elect one of themselves as Chair, and, when the Chair is absent through illness or otherwise, the Committee may appoint another member to act as Acting Chair.
- (7) **THAT** the Committee of Adjustment shall appoint a Secretary-Treasurer who may be a member of the Committee, and may engage such employees and consultants as is considered expedient, within the limits of the money appropriated for the purpose.
- (8) **THAT** the members of the Committee of Adjustment shall be paid such compensation as the Council may provide.
- (9) **THAT** the Secretary-Treasurer shall keep on file minutes and records of all applications and the decisions thereon and of all other official business of the Committee, and Section 74 of the *Municipal Act* applies with necessary modifications to such documents.
- (10) **THAT** in addition to complying with the requirements of the *Planning Act*, the Committee of Adjustment shall comply with such rules of procedure as are prescribed.
- (11) **THAT** the powers of the Committee of Adjustment shall be in accordance with Sections 45 and 53 of the *Planning Act*, R.S.O. 1990, Chapter P.13, as amended.
- (12) **THAT** the following persons be and they shall also be appointed to the Committee of Adjustment for the period ending November 30, 2000:

Carol Schofield
Patrick Hannigan

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- (13) THAT Section C6.4 of Council Rules of Procedure By-law No. 200-85 be and it is hereby amended by deleting same in its entirety and inserting in lieu thereof the following:

“C6.4 A COMMITTEE OF ADJUSTMENT to be composed of seven (7) citizen appointees.”

- (14) THAT By-law No. 2045-83 be and it is hereby repealed.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 10th DAY OF JANUARY, 2000.



MAYOR

CLERK

I, the Clerk, Carolyn J. Booth, of The Corporation of the Town of Fort Erie hereby certify the foregoing to be a true certified copy of By-law No. 7-2000 of the said Town. Given under my hand and the seal of the said Corporation this _____ day of _____, 2000.
