



## The Corporation of the Town of Fort Erie By-law 10-2024

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### Being a By-law to Govern the Form and Approving Authority for Dedicated Locator Agreements

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**Whereas** subsection 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipal power shall be exercised by by-law; and

**Whereas** section 8 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that the powers of a municipality under that Act shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their own affairs as they consider appropriate and enhance their ability to respond to municipal issues; and

**Whereas** section 9 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended; and

**Whereas** subsection 23.2(1)(c) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality may delegate legislative and quasi-judicial powers under any Act only to an individual who is an officer, employee or agent of the municipality; and

**Whereas** subsection 23.2(4) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality may delegate legislative and quasi-judicial powers under any Act only to an individual who is an officer, employee or agent of the municipality if the power being delegated is of a minor nature, with Council having regard to the number of people, the size of geographic area and the time period affected by an exercise of the power; and

**Whereas** it is deemed expedient for the Municipal Council to adopt a standard form of agreement for Dedicated Locator Agreements.

**Now therefore** the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

- 1. That** the Dedicated Locator Model Agreement attached as Schedule 'A' that establishes the terms and conditions Dedicated Locators must agree to when locating municipal services on behalf of the Town is hereby adopted.
- 2. That** the Director of Infrastructure Services or Delegate, is delegated the authority to make minor amendments to the approved Dedicated Locate Model Agreement from time to time and is fully responsible for determining the terms and conditions in the Agreement's Schedule 1 specific to each project and has the authority to approve and reject applications and execute and terminate Dedicated Locate Agreements on behalf of The Corporation of The Town of Fort Erie.

**3. That** the Clerk of the Town is authorized to affect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

**Read a first, second and third time and finally passed this 29<sup>th</sup> day of January 2024.**

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Mayor

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Clerk