



By-law No. 2014-109

Delegation of Powers and Duties By-law

Part I. Short Title, Purpose and Scope 1

Short Title1

Purpose.....1

Scope1

Part II. Interpretation..... 1

Headings1

References to Applicable Law1

Definitions1

Part III. Delegation..... 2

Delegation of Powers and Duties2

Rules Respecting Delegations.....2

Legislative Powers.....3

Powers that Cannot be Delegated3

Part IV. Conflict and Transition 3

Conflict3

Terms Severable.....3

Repeal3

Enactment3

Schedule 'A' to By-law 2014-109 5

Schedule 'B' to By-law 2014-109 16

Consolidated Version

Revised July 15, 2026

Revision History:	Passed On:	Description of amendment
2014-109 (Original)	June 23, 2014	
2014-151	September 9, 2014	Amend Schedule A to add sections 17 and 18 under business licencing
2016-006	January 25, 2016	Amend Schedule A to replace the entirety of section 15 regarding freedom of information and protection of privacy
2018-046	April 9, 2018	Amend to include separate section for 'Election Advertising'

Revision History:	Passed On:	Description of amendment
2018-084	June 11, 2018	Amend Schedule A to include sections 2 and 3 under General Management and Administration
2018-124	August 13, 2018	Amend Schedule A to include sections 16 and 17 under Operations, Traffic, and Parking. Amend section 14 regarding Parking. Amend to include new schedule of authorized private parking at multiple locations.
2019-057	April 1, 2019	Amend Schedule A to include section 9 under Building, Planning, Heritage and Development regarding commenting on cannabis retail
2020-049	May 11, 2020	Amend Schedule A to replace section 1 regarding powers as the senior administrative official
2020-065	June 15, 2020	Amend Schedule A to add section 10.1 regarding approval authority for sidewalk patios
2021-029	March 15, 2021	Amend Schedule A to add section 10.2 regarding approval and signing authority related to Financial Incentive Programs
2021-039	March 29, 2021	Amend section 10.1 of Schedule A to remove text
2022-076	June 27, 2022	Amend Schedule A to add sections 10.3, 10.4, and 10.5 under Building, Planning, Heritage and Development and sections 20, 21, 22, 23, 24, 25 under Agreements. Amend Schedule B to add section 7 under Consent Granting Authority and sections 8 and 9 under Administering Notice
2022-119	December 13, 2022	Amend Schedule A to add section 31 under Agreements
2023-040	April 17, 2023	Amend section 20 of Schedule A regarding powers respecting freedom of information and protection of privacy
2023-048	May 8, 2023	Amend Schedule A to add section 10.6. Amend Schedule A to add section 32
2023-130	December 4, 2023	Amend Schedule A to add section 10.7 regarding Short

Revision History:	Passed On:	Description of amendment
		Term Rental Licensing. Amend Schedule A to add section 13.1 regarding Municipal Accommodation Tax. Amend section 23 of Schedule A to replace “Manager of Economic Development and Tourism” with “City Manager”
2024-031	March 11, 2024	Amend Schedule A to add section 33 regarding nuisance by-law exemptions. Amend Schedule A to add section 34 regarding noise by-law exemptions
2024-067	May 13, 2014	Amend Schedule A to add section 35 regarding signing authority of easement agreements
2024-077	June 17, 2024	Amend Schedule A to add section 3.1 regarding flag flying requests
2024-141	December 16, 2024	Amend Schedule A to add section 36 regarding signing authority for alternate locate agreements
2025-011	January 27, 2025	Amend Schedule A to add section 37 regarding signing authority for Land Use Agreements respecting snowmobiles
2025-100	September 8, 2025	Amend Schedule A to add s. 10.1 respecting Strong Mayor Powers
2026-016	February 23, 2026	Amend Schedule A to add section 38 regarding signing authority for Animal Shelter Capital Contribution Agrmts
2026-037	April 13, 2026	Amend Schedule A to amend section 26 regarding signing authority for Servicing Agreements and add section 39 regarding signing authority for Encroachment Agreements for construction purposes
2026-045	April 27. 2026	Amend Schedule A to amend section 10.1 to reference By-law No. 2026-045
2026-080	July 13, 2026	Amend Schedule A; add section 10.8 & 10.9 encroachments, amend s.12 purchasing

Consolidated for Convenience Only

This is a consolidation copy of a City of Owen Sound By-law for convenience and information. While every effort is made to ensure the accuracy of this by-law, it is not an official version or a legal document. The original by-law should be consulted for all interpretations and applications on this subject. For more information or to view by-laws please contact the Clerks Department.

The Corporation of the City of Owen Sound

By-Law No. 2014-109

A By-law to Adopt a Policy Respecting the Delegation of Powers and Duties of the City of Owen Sound

WHEREAS section 23.1 of the *Municipal Act, 2001*, S.O. 2001, c. 25 provides that sections 9, 10 and 11 of that act authorize a municipality to delegate its powers and duties under any Act to a person or body subject to listed restrictions; and

WHEREAS section 270 of the *Municipal Act, 2001*, provides that a municipality shall adopt and maintain policies respecting the delegation of its powers and duties; and

WHEREAS the Council of the Corporation of the City of Owen Sound (the "City") passed various by-laws delegating the powers and duties of the municipality; and

WHEREAS on November 19, 2007, City Council passed a resolution to adopt the delegation of powers and duties policy CrS-C27; and

WHEREAS City Council passed resolution R-140609-012 to enact the subject by-law in place of the Delegation of Powers and Duties Policy CrS-C27;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF OWEN SOUND HEREBY ENACTS AS FOLLOWS:

Part I. Short Title, Purpose and Scope

Short Title

1. This by-law shall be known as the "Delegation of Powers and Duties By-law".

Purpose

2. This by-law has been enacted to:
 - a. establish a policy respecting the delegation of powers and duties, and
 - b. acknowledge existing powers and duties of the City which have been delegated.

Scope

3. This by-law shall apply to all City staff or persons acting on behalf of the City.
4. This by-law does not apply to powers and duties provided to officers of the City under the *Municipal Act, 2001* or any other Act.

Part II. Interpretation

Headings

5. The division of this by-law into parts and the insertion of headings are for convenient reference only and shall not affect interpretation of the by-law.

References to Applicable Law

6. All references to applicable law are ambulatory and apply as amended from time to time.

Definitions

7. For the purposes of this by-law:
 - "City" means the Corporation of City of Owen Sound;
 - "Council" means the Council of the City;

"Delegate" means an officer, employee, agent or body which has been delegated powers or duties;

"Legislative Powers" means all matters where Council acts in a legislative or quasi-judicial function including enacting by-laws, setting policies, and exercising decision-making authority.

"*Municipal Act, 2001*" means the *Municipal Act, 2001*, S.O. 2001, c 25; and

"*Planning Act*" means the *Planning Act*, RSO 1990, c P.13.

"Director of Community Services" means, the Director of Community Services of the Corporation of the City of Owen Sound and who possesses the Registered Professional Planner (RPP) designation.

"Director of Public Works & Engineering" means, the Director of Public Works & Engineering of the Corporation of the City of Owen Sound and who possesses that Professional Engineer (P. Eng) designation.

"Director of Corporate Services" means, the Director of Corporate Services of the Corporation of the City of Owen Sound and who possesses the Chartered Professional Accountant (CPA) designation.

Part III. Delegation

Delegation of Powers and Duties

8. All powers and duties of Council shall remain with Council unless a power or duty has been expressly delegated by by-law.
9. Within each row of Schedule 'A' and Schedule 'B' which are attached to and form part of this by-law, Council acknowledges the delegated powers and duties described in the "Delegated Powers and Duties" column to the officers, employees, agents or bodies listed in the "Delegate" column subject to the conditions, limits, procedures or notice requirements, if any, listed in the "Delegation Limits" column.
10. Where Council delegates a power or duty to an officer or employee of the City, the delegation also applies to a person appointed by the City Manager or the Delegate to act in the capacity of the Delegate from time to time.
- 10.1 Strong Mayor Powers provided under Part VI.1 of the *Municipal Act, 2001*, are not eligible for delegation.

Rules Respecting Delegations

11. The following rules apply to all powers or duties delegated by Council:
 - a. Council may, by by-law, repeal or amend the delegation at their discretion and without notice;
 - b. both Council and the delegate may exercise the power, unless Council expressly provides that only the delegate can exercise the power;
 - c. all delegations are subject to any conditions and limits Council considers appropriate, which may include matters such as:
 - i. a requirement that the delegate act by by-law, resolution or otherwise;
 - ii. procedures that the delegate is required to follow; and
 - iii. the accountability of the delegate and the transparency of the delegate's actions and decisions;
 - d. where a power is delegated:
 - i. the power is deemed to be delegated subject to any limits on the power and to any procedural requirements, including

conditions, approvals and appeals which apply to the power;
and

- ii. any duties related to the power are deemed to be delegated with the power.

Legislative Powers

- 12. Council hereby deems all Legislative Powers delegated by this by-law to be minor in nature having regard to;
 - a. subsection 23.2 (4) of the *Municipal Act, 2001*; and
 - b. the number of people, the geographic size and the time period affected by an exercise of the power.

Powers that Cannot be Delegated

- 13. Council shall not delegate the following powers or duties, in accordance with the limits set out in subsection 23.3 (1) of the *Municipal Act, 2001*:
 - a. to appoint or remove from office an officer of the municipality whose appointment is required by the *Municipal Act, 2001*;
 - b. to pass a by-law under Parts VIII, IX and X of the *Municipal Act, 2001*;
 - c. to incorporate corporations in accordance with section 203 of the *Municipal Act, 2001*;
 - d. to adopt an official plan or an amendment to an official plan under the *Planning Act*;
 - e. to pass a zoning by-law under the *Planning Act*;
 - f. to pass a by-law under subsections 108 (1) and (2) and 110 (3), (6) and (7) of the *Municipal Act, 2001*;
 - g. to adopt a community improvement plan under section 28 of the *Planning Act*, if the plan includes provisions that authorize the exercise of any power under subsection 28 (6) or (7) of that Act or under section 365.1 of the *Municipal Act, 2001*;
 - h. to adopt or amend the City budget; or
 - i. any other power or duty that may be prescribed.

Part IV. Conflict and Transition

Conflict

- 14. In the event the provisions of this by-law are inconsistent with the provisions of another by-law, the provisions of this by-law shall apply.
- 15. In the event the provisions of this by-law are inconsistent with the provisions of the *Municipal Act, 2001*, its Regulations or any other Act, the provisions of the Act or Regulation shall prevail.

Terms Severable

- 16. The terms and provisions of this by-law shall be severable and should any term or provision be found by a court of competent jurisdiction to be legally unenforceable, in operative or invalid, the remainder of the by-law shall continue to be in full force and effect.

Repeal

- 17. Policy No. CrS-C27 is hereby repealed.

Enactment

- 18. This by-law shall come into full force and effect upon the final passing thereof at which time all by-laws, policies and resolutions that are

inconsistent with the provisions of this by-law are hereby repealed insofar as it is necessary to give effect to the provisions of this by-law.

FINALLY PASSED AND ENACTED this 23rd day of June, 2014.

Signature on File

Mayor Deborah A Haswell

Signature on File

Kristen M. Van Alphen, City Clerk

Schedule 'A' to By-law 2014-109

Administrative Powers and Duties

Delegated Powers and Duties	Delegate	Delegation Limits
General Management and Administration		
1. Powers and duties as the senior administrative official	City Manager	Set out in the Employment Agreement and job description authorized by By-law No. 2020-043
2. Disposition of any real or personal property of the municipality that has a value exceeding \$50,000 at the time of disposal	City Manager and Director of Corporate Services to act jointly	Only if lame duck provision applies, as determined by the City Clerk, between Nomination Day and the beginning of the term of office A report being provided to Council to advise of action(s) to be taken
3. Making expenditures or incurring any other liability that exceeds \$50,000	City Manager and Director of Corporate Services to act jointly	Only if lame duck provision applies, as determined by the City Clerk, between Nomination Day and the beginning of the term of office A report being provided to Council to advise of action(s) to be taken

Administrative Powers and Duties

Delegated Powers and Duties	Delegate	Delegation Limits
3.1 Flag flying requests	City Manager	As set out in Policy No. CE002
Building, Planning, Heritage and Development		
4. Authority under the Heritage Act	Heritage Planning Coordinator Manager of Planning & Heritage Director of Community Services	Set out in By-law No. 2010-053
5. Site Plan Approval Authority	Director of Community Services	Set out in By-law No. 2019-185
6. Signing Authority Final Subdivision Plans and Condominium Plans	Director of Community Services	Subject to receiving final approval by City Council Set out in Policy CS66 and By-law No. 2004-178
7. Determine public safety issues and withdraw permission to cross reserve - Heritage Grove	Chief Building Official Director of Community Services Director of Public Works & Engineering	Set out in By-law No. 2013-063
8. Commenting Authority for Planning Notices	Director of Community Services	Set out in Policy CS81 and By-law No. 2014-039
9. Commenting Authority for Cannabis Retail Store Authorization requests	City Clerk Director of Community Services	In accordance with the Municipal Cannabis Policy Statement as set out in Policy CS85 and By-law No. 2019-057
10. Grant permission to operate a food vending cart or stand in certain City Parks	Director of Community Services	Set out in By-law No. 2005-125

Administrative Powers and Duties

Delegated Powers and Duties	Delegate	Delegation Limits
10.1 Approval authority for Patio Permits and signing authority for Patio Agreements: a. issue patio permits and renewals, with or without conditions; b. refuse to issue or renew a patio permit; c. revoke or suspend a patio permit; d. execute patio agreements; and e. provide correspondence to the Alcohol and Gaming Commission of Ontario, indicating no objection to the extension of liquor license for a licensed patio.	Director of Community Services and Director of Public Works & Engineering, acting jointly	Set out in By-law No. 2026-045
10.2 Approval Authority for applications and Signing Authority for agreements related to Financial Incentive Programs under the Community Improvement Plan	City Manager and Director of Community Services acting jointly	Set out in By-law No. 2021-028
10.3 Approval authority for applications for exemptions to Part Lot Control	Director of Community Services	Applications being considered for delegation to be summarized and circulated to Mayor and Council. Any member of Council, the delegate or the applicant may direct that Council consider any given application. The delegate is not empowered to refuse applications.

Administrative Powers and Duties

Delegated Powers and Duties	Delegate	Delegation Limits
10.4 Approval authority for applications for deeming	Director of Community Services	Applications being considered for delegation to be summarized and circulated to Mayor and Council. Any member of Council, the delegate or the applicant may direct that Council consider any given application. The delegate is not empowered to refuse applications.
10.5 Approval authority for final plan of subdivision or condominium.	Director of Public Works & Engineering and the Director of Community Services acting jointly.	Applications being considered for delegation to be summarized and circulated to Mayor and Council. Any member of Council, the delegate or the applicant may direct that Council consider any given application. The delegate is not empowered to refuse applications.
10.6 Approval authority for Community Gardens Applications	City Manager and Director of Community Services acting jointly	Application must be consistent with the City’s Community Gardens policy
10.7 Approval authority for Short-Term Rental licensing applications	City Clerk	Set out in By-law No. 2023-115

Administrative Powers and Duties

Delegated Powers and Duties	Delegate	Delegation Limits
10.8 Approval authority for new encroachment applications and signing authority for new Encroachment Agreements	Director of Community Services and Director of Public Works & Engineering, acting jointly	Where staff in the divisions of Building, By-law Enforcement, Engineering, Fire, Parks & Open Space, and Planning reach consensus on the application and any recommended conditions.
10.9 Approval authority for encroachment refurbishment applications and signing authority for refurbished Encroachment Agreements	Director of Community Services and Director of Public Works & Engineering, acting jointly	Where the encroachment: a. substantially maintains the approved footprint; b. does not encroach further onto public lands; and c. staff in the divisions of Building, By-law Enforcement, Engineering, Fire, Parks & Open Space, and Planning reach consensus on the application and any recommended conditions.
Financial and Purchasing		

Administrative Powers and Duties

Delegated Powers and Duties	Delegate	Delegation Limits
11. Signing Authority for Banking Services	Director of Financial Services City Manager Manager of Accounting Purchasing Agent	Set out in By-law No. 2014-102 Signing Authority requires any two signatures
12. Purchase or Disposition of Goods and Services	Various, as set out in the City's Procurement Policy	Various, as set out in the City's Procurement Policy
13. Approve expenditures under \$100,000.00 for the Regional Recreation Centre	City Manager Manager of Special Capital Projects	Set out in By-law No. 2010-177
13.1 Authority to implement and administer the Municipal Accommodation Tax	Treasurer	Set out in By-law No. 2023-127
Operations, Engineering, Traffic and Parking		
14. Designate construction zones and lower speed limits or close highways in construction zones	Director of Operations	Set out in By-law No. 2009-075
15. Temporarily designate accessible parking spaces during public events	Director of Operations Director of Community Services	Set out in By-law No. 2009-075
16. Approve the installation of municipal traffic control signs and systems	Director of Operations	Set out in By-law No. 2007-231
17. Approve the appointment of Special Parking Enforcement Officers at private locations	City Clerk or designate	<i>Private parking locations as laid out in Schedule A of the Unauthorized Parking By-law No. 2014-094</i>

Administrative Powers and Duties

Delegated Powers and Duties	Delegate	Delegation Limits
18. Approve the appointment of Parking Enforcement Officers on City Property	City Clerk or designate	<i>The requirements of the current public parking enforcement contract</i>
Human Resources		
19. Hiring of Employees	City Manager	Set out in CrS-HR18, Staffing Policy and Procedures
Records and Information		
20. Powers and duties respecting freedom of information and protection of privacy	City Clerk	Set out in By-law No. 2023-039
21. Cause the destruction of documents under the control of a department which have been retained for the established retention period	Each Department Head	Set out in Policy CrS-C20 and By-law No. 2004-140
Business Licencing		
22. Issue business licences	City Clerk	Set out in the Business Licencing By-law
23. Approve street vendor agreements	City Manager	Set out in the Business Licencing By-law
Election Advertising		
24. Power to enforce section 88.7 of the Municipal Elections Act, 1996 respecting election advertising	By-law Enforcement Officers under the supervision of the City Manager	Council expressly provides that only the delegates may exercise this power

Administrative Powers and Duties

Delegated Powers and Duties	Delegate	Delegation Limits
Agreements		
25. Signing authority for Subdivision and Condominium Agreements	Director of Community Services and Director of Public Works & Engineering, acting jointly.	Planning Act, Sec. 51(26). Only where an agreement is required to satisfy a condition of approval imposed by City Council, or its delegate. Council may direct that an agreement come forward for authorization by the Mayor and Clerk through resolution.
26. Signing authority for Servicing Agreements	Director of Public Works & Engineering and Manager of Public Works & Engineering, acting jointly	Only where: 1. a Servicing Agreement is required to support a Planning Act application or building permit application and; 2. the City has no financial contribution pursuant to the Servicing Agreement.
27. Signing authority for Site Plan Agreements	Director of Community Services and the Manager of Planning & Heritage, acting jointly.	Planning Act, Sec. 41(7). Only where required an agreement is required to satisfy a condition of approval imposed by City’s approval authority.

Administrative Powers and Duties

Delegated Powers and Duties	Delegate	Delegation Limits
28. Signing authority for Development Charges Exemption Agreements	Director of Corporate Services and the City Clerk, acting jointly.	Only where an agreement is required to satisfy a condition of Planning Act application approval imposed by the City’s approval authority and where prior notice has been provided to City Council through an open report.
29. Signing authority for Consent and/or Minor Variance Agreements	Director of Community Services and the Manager of Planning & Heritage, acting jointly.	Planning Act, Sec. 45(9.1) & Sec. 53(12). Only where an agreement is required to satisfy a condition of approval imposed by the Committee of Adjustment or the Director of Community Services, as delegate.
30. Signing authority for Model Homes Agreements	Director of Community Services and the Director of Public Works & Engineering, acting jointly.	Only where an agreement is required to satisfy a condition of approval imposed by City Council or the Committee of Adjustment. Council may direct that an agreement come forward for authorization by the Mayor and Clerk through resolution.

Administrative Powers and Duties

Delegated Powers and Duties	Delegate	Delegation Limits
31. Signing authority for Facility Use Agreements and approval authority for conditions of delegated Facility Use Agreements	Director of Community Services and Manager of Community Development and Marketing, acting jointly	Only where the event: 1. has previously been approved by Council; 2. is being held in the same location, with the same format and subject to the same conditions as the event that was approved by Council; and 3. has been running regularly since the approval with no more than a two-year hiatus.
32. Signing authority for Community Gardens Agreements	City Manager and Director of Community Services acting jointly	Community Gardens application must be approved
33. Approval authority for Nuisance By-law exemptions	City Clerk	Set out in By-law No. 2024-026
34. Approval authority for Noise By-law exemptions	City Clerk	Set out in By-law No. 2024-027
35. Signing authority for agreements respecting easements to and from the City	Director of Public Works and Engineering and City Manager acting jointly	Where an easement is required for the operations of a utility company or the City to service lands

Administrative Powers and Duties

Delegated Powers and Duties	Delegate	Delegation Limits
36. Signing authority for Alternate Locate Agreements	Director of Public Works and Engineering	Includes authority to execute all documents necessary to establish or renew Alternative Locate Agreements
37. Signing authority for Land Use Agreements respecting snowmobile trails with snowmobile clubs	Director of Community Services	N/A
38. Signing authority for Animal Shelter Capital Contribution Agreements with municipalities or First Nations	Director of Corporate Services	Agreements must be consistent with the terms outlined in the City’s Animal Control Agreement
39. Signing authority for Encroachment Agreements for construction purposes	Director of Public Works & Engineering and City Manager acting jointly	Where an encroachment agreement is required for the City to complete construction activities

Schedule 'B' to By-law 2014-109

Legislative Powers and Duties

Delegated Powers and Duties	Delegate	Delegation Limits
Licencing, Regulation and Governance		
1. Licence, Regulate and Govern Escort Services	Owen Sound Police Services Board	Set out in By-law No. 2006-191
2. Licence, Regulate and Govern Adult Entertainment Establishments	Owen Sound Police Services Board	Set out in By-law No. 2004-023
3. Licence Regulate and Govern Body Rub, Tattoo and Piercing Establishments	Owen Sound Police Services Board	Set out in By-law No. 2003-053
4. Licence Regulate and Govern Salvage Shops, Salvage Yards, Second Hand Goods Shops and Dealers in Second Hand Goods	Owen Sound Police Services Board	Set out in By-law No. 1998-050
5. Licence Regulate and Govern Taxis	Owen Sound Police Services Board	Set out in By-law No. 1996-153
Consent Granting Authority		
6. Consent Granting Authority for: • Minor Variances under the <i>Planning Act</i> (s. 45(3)) • Consents under the <i>Planning Act</i> (s. 54(2)) • Fence Viewers under the <i>Line Fences Act</i> • Court of Revision under the <i>Local Improvement Act</i> • Property Standards under the <i>Building Code Act</i>	Committee of Adjustment	Set out in By-law No. 2001-102
7. Authority to grant approval of consents under the Planning Act (s. 54(2)).	Director of Community Services	Where the consent is “undisputed” only, as set out in By-law No. 2022-074.

Administering Notice		
8. Determine and notify if the information and material required to accompany an application made under the Planning Act has or has not been provided.	Manager of Planning & Heritage	Planning Act, ss. 22(6.1), 34(104), 41(3.6), 51(19.1)
9. Give statutory notice under the Planning Act to the prescribed persons and bodies, in the prescribed manner and accompanied by the prescribed information and make the prescribed information and material available to the public.	City Clerk or their designate.	Planning Act, ss. 22(6.4), 34(10.7), 51(19.4)