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Consolidated Version

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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. 2015-054

A By-law to Appoint Officers of the City of Owen Sound

WHEREAS section 228 of the *Municipal Act, 2001* provides that a municipality shall appoint a clerk and provides for certain duties of the clerk; and

WHEREAS section 228 of the *Municipal Act, 2001* provides for the appointment of deputy clerks who have all the powers and duties of the clerk; and

WHEREAS section 286 of the *Municipal Act, 2001* provides that a municipality shall appoint a treasurer who is responsible for handling all of the financial affairs of the municipality on behalf of and in the manner directed by the council; and

WHEREAS section 286 of the *Municipal Act, 2001* provides that a municipality may appoint deputy treasurers who have all the powers and duties of the treasurer; and

WHEREAS section 6 of the *Fire Protection and Prevention Act, 1997* provides that where a fire department is established, the council of the municipality shall appoint a fire chief for the fire department; and

WHEREAS section 3 of the *Building Code Act* provides that the council of each municipality shall appoint a chief building official and such inspectors as are necessary for the enforcement of this Act in the areas in which the municipality has jurisdiction; and

WHEREAS section 8 of the *Weed Control Act* provides that the council of a lower-tier municipality may by by-law appoint one or more persons as municipal weed inspectors to enforce this Act in the area within the council's jurisdiction; and

WHEREAS section 15 of the *Police Services Act* provides that a municipal council may appoint persons to enforce the by-laws of the municipality; and

WHEREAS on April 13, the Council of The Corporation of the City of Owen Sound passed Resolution No. R-150413-014 to enact the subject by-law to appoint officers of the City in accordance with Report CL-15-014 from the By-law Committee meeting held on March 4, 2015;

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 "Appointed Officers By-law".

Purpose

2. This by-law has been enacted to appoint officers of the City.

Part II. Interpretation

Headings

3. 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

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

Definitions

5. For the purposes of this by-law:

"*Building Code Act*" means the *Building Code Act, 1992*, S.O. 1992, c. 23;

"City" the Corporation of the City of Owen Sound;

"Council" means the Council of the City;

"*Fire Protection and Prevention Act*" means the *Fire Protection and Prevention Act, 1997* S.O. 1997, c. 4;

"*Municipal Act*" means the *Municipal Act, 2001*, SO 2001, c 25;

"*Police Services Act*" means the *Police Services Act*, RSO 1990, c. P.15; and

"*Weed Control Act*" means the *Weed Control Act*, RSO 1990, c. W.5.

Part III. Appointment

Appointment

6. Council appoints the individuals as Officers of the City as set out in Schedule A and Schedule B to this by-law.
7. Council may, at their discretion, appoint any individual as an acting Officer to act in place of that officer until a permanent appointment is made or any other time Council deems appropriate.

Part IV. Officers

Clerk

8. The powers and duties of the City Clerk shall be those set out in the *Municipal Act* and any other applicable Federal or Provincial act or regulation.
9. Council may appoint deputy clerks who:
 - a. have all the powers and duties of the clerk; or
 - b. have certain powers and duties of the clerk for specific purposes as set out in this by-law.

Treasurer

10. The powers and duties ties of the Treasurer shall be those set out in the *Municipal Act* and any other applicable Federal or Provincial act or regulation.
11. Council may appoint deputy treasurers who have all the powers and duties of the treasurer.

Fire Chief

12. The powers and duties of the Fire Chief shall be those assigned to him or her under the *Fire Protection and Prevention Act* within the territorial limits of the City and within any other area in which the City has agreed to provide fire protection services, subject to any conditions specified in the agreement.
13. The Fire Chief may delegate such powers and duties as outlined in the City's Fire and Emergency Services By-law.

Chief Building Official and Inspectors

14. The duties of the individual appointed as Chief Building Official or their deputy and inspectors shall be those set out in the *Building Code Act* and any other applicable Federal or Provincial act or regulation.

Municipal Weed Inspector

15. The powers and duties of the Municipal Weed Inspector shall be those set out in the *Weed Control Act* and any other applicable Federal or Provincial act or regulation.

Municipal Law Enforcement Officers

Amended by By-law No. 2016-149 and By-law No. 2018-124

16. *Council may appoint Municipal Law Enforcement Officers under various job titles to enforce select by-laws of the City as set out in Schedule B to this by-law.*
17. Municipal Law Enforcement Officers are peace officers for the purpose of enforcing by-laws of the City.

Part V. Conflict and Transition

Conflict

18. In the event the provisions of this by-law are inconsistent with the provisions of the *Municipal Act*, its Regulations or any other Act, the provisions of the Act or Regulation shall prevail.
19. In the event that the provisions of this by-law respecting an appointed officer are inconsistent with the provisions of any other City by-law, the provisions of this by-law shall prevail.

Terms Severable

20. 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.

Enactment

21. 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 27th day of April, 2015.

Signature on File

Mayor Ian C. Boddy

Signature on File

Briana M. Bloomfield, Deputy Clerk

Schedule A - Appointed Officers

Officer	Appointed	Notes or Limits
City Clerk <i>Amended by By-law 2017-141</i>	<i>Briana M. Bloomfield</i>	None
Deputy Clerk <i>Amended by By-laws No. 2015-096, 2017-128, 2017-153, 2018-073, 2019-053 and 2019-201</i>	<i>Jamie Eckenswiller Kristen Van Alphen</i>	None
Deputy Clerk <i>Amended by By-law 2017-141 and 2018-073</i>	<i>Lee-Anne Kazarian Desirée van Dijk</i>	Appointed as Deputy Clerk for the purpose of acting as a Commissioner of Oaths and a Deputy Division Registrar <i>and to provide certified copies under seal of the municipality of any record referred to in s. 253(1) of the Municipal Act, 2001.</i>
Treasurer <i>Amended by By-law No. 2015-136</i>	<i>Kate Allan</i>	None
Deputy Treasurer <i>Amended by By-law No. 2016-149 and 2019-201</i>	<i>Nella Morrow</i>	None
Fire Chief <i>Amended by By-law No. 2015-126</i>	<i>Douglas Barfoot</i>	None
Chief Building Official <i>Amended by By-laws No. 2017-110, 2017-153, 2018-016, 2018-033 and 2018-090</i>	<i>Kevin Linthorne</i>	None
Deputy Chief Building Official <i>Amended by By-laws No. 2016-149, 2017-004 and 2018-139</i>	<i>Wesley Reidt</i>	None
Building Inspector <i>Amended by By-law No. 2018-033</i>	<i>Brian Green</i>	None

Officer	Appointed	Notes or Limits
Inspector <i>Amended by By-law Nos. 2016-149 and 2019-194</i>	<i>Greg Nicol</i> <hr/> <i>Doug McEwen</i>	For fire purposes as set out in By-law No. 2007-095
Municipal Weed Inspector <i>Amended by By-law No. 2016-149</i>	Adam Parsons	None

Schedule B - Appointed Municipal Law Enforcement Officers

Enforcing Officer	Appointed	Notes or Limits
By-law Enforcement Officer Amended by By-laws 2017-145, 2019-036, 2019-166 and 2020-078	Kaitlyn Patchell <hr/> Madison McNeill	Appointed to enforce all regulatory by-laws of the City
By-law Enforcement Officer Amended by By-law No. 2020-108	Thomas Wheildon	Appointed to enforce Noise By-law No. 2001-034 with limitations as set out in writing by the City Manager and City Clerk
By-law Enforcement Officer	Chris Hughes	Appointed to enforce the following by-laws: By-law No. 2006-034 being "A By-law to Regulate the Discharge of Sewage and Land Drainage" By-law No. 2006-001 being "A By-law to Regulate the Collection, Handling and Recycling of Waste and Recyclable Materials in Certain Premises in the City of Owen Sound" By-law No. 2005-151 being "A By-law to Regulate the Collection and Disposal of Garbage and Recyclable Materials"
Animal Control Officer	Todd Robins <hr/> Renee Robins	Appointed to enforce the following by-laws: By-law No. 1997-089 being "A By-law to Prohibit the Keeping of Certain Kinds of Animals in the City of Owen Sound" By-law No. 2005-123 being "A By-law to Licence, Regulate and Govern Dog Kennels within the City of Owen Sound" By-law No. 2008-169 being "A By-law to Prohibit the Feeding of Wild Animals within the boundaries of the city of Owen Sound" The City of Owen Sound Cat By-law The City of Owen Sound Dog By-law
Parking Enforcement Officer Amended by By-laws 2015-160, 2016-052, 2016-128, 2016-149, 2017-145, 2018-016, 2018-103 and 2018-124	The City Clerk or designate maintains a list of current appointed parking enforcement officers as hired by the Parking Enforcement Contractor, as authorized by the Delegation of Authority By-law No. 2014-109	Appointed to enforce the following by-laws: By-law No. 2009-075 being "A By-law to Provide for the Regulation of Traffic in the City of Owen Sound;" The Unauthorized Parking By-law

Enforcing Officer	Appointed	Notes or Limits
Parking Enforcement Officer <i>Amended by By-laws Nos. 2016-149 and 2019-194</i>	Greg Nicol Doug McEwen	Appointed to enforce the following by-laws respecting Fire Routes: By-law No. 2009-075 being "A By-law to Provide for the Regulation of Traffic in the City of Owen Sound" The Unauthorized Parking By-law
Property Standards Officer <i>Amended by By-laws No. 2016-149, 2017-004, 2017-145, 2017-153, 2018-016, 2018-033, 2018-090, 2018-139, 2019-036, 2019-166 and 2020-078</i>	Wesley Reidt Brian Green Kaitlyn Patchell Madison McNeill Kevin Linthorne	Appointed to enforce the City of Owen Sound Property Standards By-law

Schedule C - Special Parking Enforcement Officers

Removed by By-law 2018-124
