



The Corporation of the Town of Fort Erie By-law 46-2024

Being a By-law to Amend By-law 129-2023 to Revise the Property Standards Committee Terms of Reference (Tree By-law Appeals)

Whereas By-law 129-2023 was passed by the Municipal Council of the Town of Fort Erie on August 28, 2023 to adopt the Terms of Reference for the Property Standards Committee; and

Whereas at the Regular Council meeting held on March 18, 2024 Council considered and approved By-law 33-2024 to Regulate the Destruction or Injuring of Trees within the Town of Fort Erie (Tree By-law); and

Whereas Section 15.8 of By-law 33-2024 states that an Owner may appeal the denial of a Permit or Exception Letter, any condition imposed on the granting of a Permit or any decision of the Town arborist or Director under the provisions of this By-Law to the Property Standards Committee; and

Whereas it is deemed desirable to amend the Terms of Reference for the Property Standards Committee to hear appeals against orders issued under the Town of Fort Erie's Tree By-law;

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

- 1. That** Schedule A to By-law 129-2023 is repealed in its entirety and replaced with Schedule A attached to and forming part of this by-law.
- 2. 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 22nd day of April 2024.

Mayor

Clerk

Property Standards Committee Terms of Reference

1. Mandate and Objectives

1.1. The mandate of the Committee is to operate as a statutory body to hear appeals against orders issued under the Town of Fort Erie's Property Standards By-law, as amended or replaced from time to time

1.2. The objectives of the Committee shall be as follows:

- a) Abide by the statutes and regulations of the *Building Code Act, 1992, S.O. 1992, c. 23*, the Town of Fort Erie Property Standards By-law and Tree By-law, as amended, or replaced from time to time
- b) Provide for and conduct a fair hearing by observing the common law principles of natural justice
- c) Confirm, modify or rescind the order to demolish or repair or extend the time for complying with the order if, in the Committee's opinion, doing so would maintain the general intent and purpose of the By-law and of the Official Plan
- d) Confirm, modify or rescind the denial of a Permit or Exception Letter, any condition imposed on the granting of a Permit or any decision of the Town arborist or Director under the provisions of the Tree By-Law

2. Membership

2.1. Qualifications

- a) Members shall have access to a computer and an email address to receive meeting invitations and agenda packages with large files
- b) A good understanding of the relevant sections of the *Building Code Act, 1992, S.O. 1992, c. 23*, and the Town of Fort Erie Property Standards By-law

2.2. Composition

- a) The Committee shall be comprised of six (6) citizens

2.3. Term

- a) Committee members shall hold office concurrent with the term of Council, and shall continue until a new Council appoints new Committee members following an election

2.4. Resignations and Vacancies

- a) Notices of resignations shall be submitted in writing to the Clerk's Office and the Staff Liaison
- b) The Committee shall self-solicit to fill vacancies during the Term
- c) Applications to fill vacancies during the Term shall be forwarded to the Clerk for

Schedule A to By-law XXX-2024

consideration and appointment by Council

3. Roles and Responsibilities

3.1. Committee members shall appoint a Chair for each meeting

3.2. Chair

- a) Maintain decorum and ensure that the Rules of Procedure are observed under By-law 36-2016 (Council Rules of Procedure), as amended or replaced
- b) Ensure that all committee members are provided with an opportunity to comment
- c) Provide guidance and leadership to the Committee in the completion of its mandate

3.3. Committee Members

- a) Attend meetings of the Committee (if unable to attend, notification should be sent to the Staff Liaison as soon as possible before the meeting)
- b) Review agendas and materials before the meeting
- c) Contribute time, knowledge, skill and expertise to the fulfillment of the committee mandate

3.4. Staff Liaison

- a) Provide guidance and advice to the Committee in fulfillment of its mandate
- b) Circulate agendas and record and prepare minutes of Committee meetings
- c) Prepare and circulate notices of appeal and decisions of appeal
- d) Keep records of all official business of the Committee

4. Meetings

4.1. Meeting Schedule

- a) The Staff Liaison will schedule Committee meetings when an appeal to an order is received
- b) The Staff Liaison will poll Committee members for availability and provide reasonable notice
- c) Committee meetings usually occur during regular daytime working hours

4.2. Quorum shall be four (4) members

4.3. Rules of Procedure

- a) The Committee shall follow the Council's Rules of Procedure By-law, as amended or replaced, with modifications as necessary
- b) In the event of a conflict between the Terms of Reference and any by-law of the Town of Fort Erie, the Terms of Reference shall prevail

4.4. Conduct

- a) The Committee shall follow any policies of the municipality governing the ethical

Schedule A to By-law XXX-2024

behaviour of members, in place from time to time

4.5. Agendas and Minutes

- a) The format of agendas and minutes shall be in a form approved by the Clerk

5. Resources

5.1. The Committee will have access to Town Facilities for meetings

- a) The Staff Liaison is responsible for reserving Town Facilities

6. Remuneration

6.1. Committee members are paid as per the relative By-law(s); for details, please inquire with the Staff Liaison

7. Terms of Reference

7.1. The Committee shall review the Terms of Reference before the end of each term and make recommendations to Council through their minutes, as needed