

THE CORPORATION OF THE CITY OF WELLAND

BY-LAW NUMBER 2026 - 26

**A BY-LAW TO BEING A BY-LAW TO DELEGATE
CERTAIN POWERS AND DUTIES UNDER THE MUNICIPAL
ACT, 2001, S.O. 2001, C. 25, AND OTHER ACTS AS
CONTAINED IN SCHEDULE "A" APPENDED HERETO.**

WHEREAS section 23.1 of the *Municipal Act, 2001*, S.O. 2001, c.25 (the "Act") authorizes a municipality to delegate its powers and duties to a person or body, subject to certain restrictions;

AND WHEREAS section 224(d) of the *Act* states it is the role of Council to ensure that administrative practices and procedures are in place to implement the decisions of Council;

AND WHEREAS section 227 of the *Act* states it is the role of officers and employees of the municipality to: (i) implement Council's decisions and establish administrative practices and procedures to carry out Council's decisions; and (ii) carry out other duties under this or any other act and other duties assigned by the municipality;

AND WHEREAS the Council of the Corporation of the City of Welland has identified certain routine administrative functions to be delegated to staff to improve daily business efficiencies while continuing to adhere to the principles of accountability and transparency;

NOW THEREFORE BE IT RESOLVED that the Council for the City of Welland hereby enacts as follows:

Part I – Short Title

This By-law may be referred to as the "Delegation of Authority By-law".

Part II – Delegation Provisions

Council delegates the powers, duties, and restrictions thereto as set out in Schedule "A" appended hereto to those officers, employees or committees therein listed;

Except as otherwise required by law, should any position identified in this By-law with delegated powers or duty be vacant, or no longer exist within the Corporation, the powers and duties of that position may be exercised by a person deemed to have authority of the position until such time as the position is either no longer vacant, or a new delegation for the corresponding delegated power or duty is approved;

Where the exercise of a delegated authority requires an expenditure of money, funding for the expenditure shall be included in an approved budget, and all relevant requirements of the City of Welland purchasing and procurement by-law in effect at the time of the expenditure shall be followed;

Where delegated authority includes execution of an agreement, the agreement shall be approved by the Chief Administrative Officer, the Director, and/or Legal Counsel prior to its execution;

All relevant by-laws and resolutions of The Corporation of the City of Welland shall apply to the exercise of delegated authority, as authorized by this By-law, or any associated standalone delegation of authority By-law;

Council hereby confirms that it is of the opinion that all legislative powers under any act delegated to an officer or an employee of the Corporation are minor in nature, within the meaning of Subsection 23.2(4) of the *Act*.

Part III – Definitions

For the purposes of this By-law:

“Act” means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended;

“Approval” includes authority to sign for approval and execute an agreement, contract, release, waiver, application or document intended to bind the Corporation and includes any renewal, amendment or termination thereof, and “Approve” has a corresponding meaning;

“By-law” means this Delegation of Authority By-law and includes Schedule “A”;

“CAO” means the Chief Administrative Officer for the City of Welland;

“Chief Building Official” or “CBO” means the Chief Building Official, as defined under the *Building Code Act, 1992*, S.O. 1992, c. 32;

“Chief Fire Official” means the Fire Chief for the City of Welland, as duly appointed by By-law 2025-77 or their designate;

“City” means The Corporation of the City of Welland;

“Clerk” means the City Clerk, as duly appointed by Bylaw 2016-138 or their designate or any Clerk duly appointed pursuant to section 228 of the *Act*;

“Corporation” means The Corporation of the City of Welland;

“Council” means the elected Council of The Corporation of the City of Welland;

“Department” means a Department with a Director;

“Delegation of Powers Policy” means a policy that has been approved by Council in accordance with section 270(1)6 of the *Act*;

“Director of Planning and Development Services” means the current Director of Planning and Development Services.

“General Manager of Corporate and Enterprise Services/Chief Financial Officer” means the current Director of Corporate and Enterprise Services.

“Legal Counsel” means the Corporation’s Part-Time City Solicitor and any external legal counsel retained by the Corporation for legal services;

“Legal Proceeding” means any court or administrative tribunal proceeding commenced by, or against, the City;

“Planning Act” means the *Planning Act*, R.S.O. 1990, c. P.13, as amended;

“Purchasing Policy” means Schedule “A” attached to the City of Welland By-law 2024-109, as amended by By-law 2025-110, being a By-law to Establish and Adopt a Purchasing Policy;

“Treasurer” means the Treasurer of the City of Welland or their designate, as duly appointed by Bylaw 2025-70 being a by-law to appoint a Treasurer for the City of Welland or any Treasurer duly appointed pursuant to section 286 of the *Act*.

Part IV – Nature and Scope of Delegation of Powers and Duties

The authority to approve a matter as contained in Schedule “A” hereto appended is hereby delegated to the person or persons set out in Column three (3) therein and shall be subject to any conditions or restrictions as contained in Column four (4);

Where authority to approve a matter is delegated to any person under this by-law, the Chief Administrative Officer may also exercise that authority;

Despite any provision of this By-law, a delegate shall not approve any matter or execute any document unless the transaction or activity to which the matter or document relates has been approved by Council, and shall be deemed to be approved in accordance with Schedule “A” where such transaction or activity:

- i. is included in the annual budget as adopted by Council; or
- ii. is included in a program, project or activity which has been approved by Council; or
- iii. is reasonably incidental to the authority given to the Chief Administrative Officer or Directors, as the case may be, to carry out their duties and responsibilities on behalf of the City;

No provision of this By-law shall be construed as waiving any provision of the Purchasing By-law, as may be amended from time to time, and the Purchasing By-law shall continue to apply to the procurement of goods and services on behalf of the City;

The following powers cannot be delegated pursuant to section 23.3 of the *Act*: (i) the power to appoint or remove from office an officer of the municipality whose appointment is required by this *Act*; (ii) the power to pass a by-law under section 400.1 and Parts VIII, IX, IX.1 and X; (iii) the power to incorporate corporations in accordance with section 203; (iv) the power to adopt an official plan or an amendment to an official plan under the *Planning Act*; (v) the power to pass a zoning by-law under the *Planning Act*, except as provided under section 39.2 of that Act; (vi) the powers to pass a by-law under subsections 108 (1) and (2) and 110 (3), (6), (7) and (7.1); (vii) the power 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 this *Act*; (viii) the power to adopt or amend the budget of the municipality; and (ix) any other power or duty that may be prescribed.

Notwithstanding the foregoing, Council retains the authority to revoke any delegated power that has been delegated pursuant to this By-law.

Part V – Appointment of Signing Officers

The Mayor and the City Clerk or their designates are hereby appointed signing officers of the City and may jointly execute any document on behalf of the City, unless otherwise specifically provided for in Schedule “A” or by bylaw.

Part VI – Accountability and Reporting

Every officer or employee exercising delegated authority shall do so responsibly and in accordance with applicable policies and procedures.

The CAO shall provide Council with an annual summary report outlining significant actions taken under delegated authority, along with any recommended updates to the approved delegations.

Part VII – General

Any reference to legislation, regulations or by-laws in this By-law shall be interpreted to include all amendments and any successor legislation thereof;

In the event that any provision or part of this By-law is found to be invalid for any reason whatsoever, then the particular provision or part thereof shall be deemed to be severed from the remainder of the By-law, and all other provisions or parts thereof shall remain in full force and shall be valid;

In the event of any inconsistency between this By-law and any other City by-law, the more restrictive provision shall prevail to the extent of the inconsistency;

Throughout this By-law (i) the term “including” or the phrases “e.g.,” or “for example” shall be interpreted to mean “including, without limitation”; (ii) the singular includes the plural and vice-versa; and (iii) any gender includes any other gender, unless the context requires otherwise;

This By-law shall come into force and take effect on the date of passing.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS **14TH DAY**
OF **JULY, 2026.**



MAYOR



DEPUTY CITY CLERK

SCHEDULE "A"

	Delegation	Delegate	Scope of Authority/Limitation
Corporate Wide Delegation			
Unless otherwise stated, the Mayor and the City Clerk shall remain the designated signing officers of the Corporation.			
1	Execute agreements and other documents related to the general control and management of the affairs of the City for the purpose of ensuring its efficient and effective operation in the exercise of authority under section 229 of the Act.	CAO or the appropriate Department Director	Terms and conditions of such agreements and related documents must be acceptable to Legal Counsel. Appropriate budgeting has been approved and allocated.
2	Non-Disclosure Agreements (NDAs)	CAO; Directors and Managers in consultation with Legal Counsel.	To negotiate and execute Non-Disclosure Agreements (NDAs) with businesses, corporations, or other entities to facilitate confidential discussions related to potential investment, business retention or expansion, or other economic development opportunities involving the City. Authority is limited to confidentiality obligations only and shall not create any financial commitment or bind the City to proceed with a project or transaction. Council approval is required where any additional authority or commitment is proposed.
3	Applying to federal or provincial funding agencies re: operating subsidies/new activity/program subsidies	Director of the appropriate department or designate	In consultation with Legal Counsel and Director of Corporate and Enterprise Services and/or Treasurer
4	Negotiate and settle claims against the municipality.	CAO, appropriate Department Director or Manager, in consultation with Legal Counsel and Finance Division	Claims settlement authority: ≤\$10K Manager; \$10K–\$100K Treasurer/CFO; >\$100K CAO (with legal and financial review), subject to insurance deductibles, Legal Services provisions, and legislative requirements.
5	Authority to negotiate and finalize terms of leases and agreements	Director of the appropriate department or designate	Subject to approval as to form and legality by Legal Counsel; leasing arrangements that extend beyond the term of Council and those deemed by the CAO and City Treasurer to

SCHEDULE "A"

			be material will require Council approval. By-Law 2003-29 Policy FIN-004-0001 Policy SER-013-0004
Office of the Chief Administrative Officer (CAO)			
6	Emergency purchasing.	CAO	Authority to approve emergency purchases where delay would pose risk to persons, property, or service continuity. Limited to emergency circumstances under the Purchasing Policy authority
7	Develop, approve and implement administrative policies, procedures and practices in the exercise of authority under section 229 of the <i>Act</i> .	CAO	Cannot amend policy intent or override Council decisions.
8	Execution of External Funding Agreements, including, but not limited to, Municipal, Provincial, Federal or Agency or Board Payment Agreements	CAO or the appropriate Department Director (in consultation with the Treasurer and Legal Counsel)	Authority to negotiate, execute, and amend external transfer payment agreements, external funding agreements, grants, and contribution agreements. Agreement must be consistent with Council-approved programs, projects, or initiatives; within approved budget or conditional funding approval; financial and reporting obligations reviewed by Treasurer; legal form and risk terms reviewed by Legal Counsel as required; material deviations or net municipal funding impacts require Council authorization.
9	Prepare and submit NPCA Permit Applications	CAO or the appropriate Department Director	To be signed by the CAO or the Department Director applying for the permit.
Legislative Services			
10	Administration of Council procedures	City Clerk	Authority to administer and apply the Procedural By-law and related Council governance policies. No authority to waive statutory notice, meeting, or voting requirements.
11	Execution of by-laws and minutes	City Clerk	Authority to certify by-laws, resolutions, and minutes.

SCHEDULE "A"

			Certification only as approved by Council through the confirmatory by-law.
12	Powers and duties as the Head for purposes of the <i>Municipal Freedom of Information and Protection of Privacy Act</i> , R.S.O. 1990, M.56	City Clerk; Deputy Clerk; Records and Information Management Coordinator	By-law 2015-17
13	Accept service of any legal document on behalf of the City.	City Clerk	
14	Take necessary steps to defend and/or participate in legal proceedings involving the City, including initiating counterclaims and/or third-party claims and obtaining participant or party status	City Clerk in consultation with CAO and Legal Counsel	Legal proceeding must be within insurance deductible or within the City's insurance coverage Report to Council on material litigation of municipal interest.
15	Retain and instruct external legal counsel, experts, and any other person whose assistance is required in actual or potential legal proceedings and/or to obtain legal advice on behalf of the City.	City Clerk in consultation with CAO and Legal Counsel	Cost of retainer must be within approved budget
16	Take necessary steps to enforce orders, decisions, awards and judgments made in favour of the City.	City Clerk in consultation with CAO and Legal Counsel	Report to Council on material litigation of municipal interest.
17	Take necessary steps to protect or pursue the rights and interests of the City in its capacity as owner, occupier, landlord or tenant of property.	City Clerk in consultation with CAO and Legal Counsel	Report to Council on material litigation of municipal interest.
Planning and Development Services			
18	Final Approval of Plans of Subdivision (execute/administer all requirements for final approval; authorize agreement execution)	Director of Planning and Development Services, Planning and/or designates	<i>Planning Act</i> s.51.2(1); Municipal Act delegation framework. Referral to Council if Director refers, owner requests in writing, or Council member motion carried. Staff must confirm all clearances, executed agreements, securities/insurance, taxes paid, conveyances, and final M-Plan before approval. Mayor/Clerk authorized to sign. By-law 2016-104
19	Change Conditions of Draft Approval; determine minor changes; sign draft plans to	Director of Planning and Development Services,	<i>Planning Act</i> s.51(44); internal delegation

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	indicate Council's draft approval	Planning and/or designates	"Minor" = intent of condition continues to be met (e.g., minor lot line changes, technical updates, reserves, sight triangles). Non-minor changes not delegated. By-law 2016-104
20	Remove Holding (H) Symbol (process/approve applications; prepare implementing docs)	Director of Planning and Development Services, Planning and/or designates	<i>Planning Act</i> s.36(1) If applicant contests staff's position on whether removal conditions are met, Council retains decision. Implementing by-law presented to Council for enactment. By-law 2016-104
21	Community Improvement Plan (CIP) Incentive Programs – Downtown Health & Wellness Cluster CIP, Brownfield CIP, Gateway Economic Zone and Centre CIP, Affordable Rental Housing CIP, or any successor to each respective CIP.	Director of Planning and Development Services, Planning and/or designates	<i>Planning Act</i> s.28(7) Council retains if grant exceeds amount budgeted for the year, or on Council referral motion; quarterly reporting to Council. Not delegated: Special Lands Program (SLP) and Affordable Housing Reserve Fund (AHRF) By-law 2016-104 By-law 2020-143 By-law 2023-124
22	Part Lot Control (PLC) — Approval of Applications	Director of Planning and Development Services (in consultation with Legal Counsel)	<i>Planning Act</i> s.50(7) If owner/applicant contests staff position, Council retains approval. After Director approval, the implementing PLC by-law goes to Council for enactment (no staff report). By-law 2020-143
23	Draft Plan of Subdivision Extension Requests	Director of Planning and Development Services, Planning and/or designates	<i>Planning Act</i> s. 51 (33) Period of extension to be commensurate with Policy SER-012-0014. Should the request be for a longer period of time, decision must be sent to Council for approval.
24	Condominium Exemption	Director of Planning and Development Services	<i>Condominium Act</i> s.9 (2) & (7) Referral to Council if Director refers, owner requests in writing, or

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			Council member motion carried. Staff must confirm all clearances, executed agreements, securities/insurance, taxes paid, conveyances, and final Condominium Plan before approval.
25	Site Plan Approval	Director of Planning and Development Services	Site plan approval, minor changes and exemption are delegated for approval to the Director. By-law 9973 Section 41(4.0.1) of the <i>Planning Act</i> requires approval be delegated to staff
26	Authority to approve agreements entered into pursuant to the City of Welland Development Charge By-law	General Manager of Corporate and Enterprise Services/Chief Financial Officer or Treasurer in consultation with Director of Planning and/or Infrastructure Services	This includes Credit Agreements, Exemption Agreements and 25% Exemption under Sections 18 through 21 of the City's Development Charges Bylaw.
Corporate and Enterprise Services			
27	Authority to delegate the powers and duties of the Treasurer of The Corporation of the City of Welland during any period in which the Treasurer is absent from the municipality or otherwise, unable to exercise their powers and duties.	General Manager of Corporate and Enterprise Services/Chief Financial Officer or Treasurer	This delegation does not prevent the Treasurer from exercising their powers and duties
28	Mediate and settle proceedings at the Assessment Review Board and Execute Minutes of Settlement of Assessment Review Board	General Manager of Corporate and Enterprise Services/Chief Financial Officer or Treasurer in consultation with Legal Counsel	Minutes of Settlement must be in best interest of the City, in opinion of signing officer and Legal Counsel.
29	Approval of Tax, Water or Other Accounts Receivable Write-Offs and Increases relating to errors and omissions.	General Manager of Corporate and Enterprise Services/Chief Financial Officer or Treasurer	Staff shall only process clearly eligible section 357, 358, and 359 applications of the <i>Act</i> and shall refer all applications requiring interpretation or involving uncertainty or dispute to the Assessment Review Board.
30	Oversight of Purchasing of Goods and Services	General Manager of Corporate and Enterprise Services/Chief Financial Officer or Treasurer	As outlined in By-law #2024-109, as amended by By-law 2025-110

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31	Authority to enter into recurring annual agreements with respect to continuance of technical software support services, data licence agreements, hardware subject to annual review and budget approval	General Manager of Corporate and Enterprise Services/Chief Financial Officer or Chief Information Officer	Review with Treasurer to ensure budget is approved by Council and available.
Infrastructure Services			
32	Approve and implement temporary road closures	Director, Infrastructure Services/City Engineer or designate	From the Traffic By-Law #89-2000: The City Engineer or official designate has the authority to temporarily close a highway for a period of up to three (3) days subject to the requirements of Part VIII, Section 8.1 Road Occupancy Permits, on highways under the jurisdiction of the City of Welland as per the Ontario <i>Municipal Act, 2001</i> .
33	Execute agreements for the purpose of a capital project as required to implement an approved capital project	Director, Infrastructure Services/City Engineer or designate	All Tender Contracts are signed by the Director of Infrastructure Services or the Mayor and Clerk in consultation with Legal Counsel.
34	Execute negotiated municipal access agreements and all other documents necessary to give effect to those agreements	Director, Infrastructure Services/City Engineer or designate	
35	Approve Municipal Consent Permits	Director, Infrastructure Services/City Engineer or designate	Per Utility Franchise Agreements
36	Site Servicing Road Occupancy Permits – approval and collection/release of security	Director, Infrastructure Services/City Engineer or designate	In accordance with the <i>Municipal Act, 2001</i> and as per fees set out in the Fees and Charges Bylaw
37	Site Alteration Permit – approval and collection/release of security	Director, Infrastructure Services/City Engineer or designate	Per Site Alteration Bylaw 2010-88
38	Clearance of engineering conditions for consent, and draft plan of subdivision/condo	Director, Infrastructure Services/City Engineer or designate	Per <i>Planning Act</i> , R.S.O. 1990, c. P. 13, s. 5(1)
39	Approve letter of credit reduction requests for subdivisions and site plans	Director, Infrastructure Services/City Engineer or designate	Pursuant to Engineering Design Standards and as stipulated in any agreements, to the satisfaction of Legal Counsel

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40	Submission of wastewater overflow reporting to the Ministry of Environment, Conservation and Parks (MECP)	Director, Infrastructure Services/City Engineer or designate	Required through the Environmental Protection Act (EPA), the Ontario Water Resources Act (OWRA) and the City's CLI ECA
41	Designate construction zones where municipal permit involves construction or repair of a highway or works near a highway, including authority to designate a lower rate of speed for vehicles traveling in construction zones.	Director, Infrastructure Services/City Engineer or designate	As per <i>Highway Traffic Act</i> , R.S.O 1990, c H.8
42	Authority to declare a significant weather event in order to extend the response time to achieve Minimum Maintenance Standards (MMS)	Director, Infrastructure Services/City Engineer or designate	<i>Ontario Regulation 239/02</i> Minimum Maintenance Standards for Municipal Highways
43	Authority to provide reciprocal assistance to Public Works Departments in other Local Area Municipalities	Director, Infrastructure Services/City Engineer or designate	Mutual Aid Agreement between Local Area Municipalities in Niagara Region
44	Submission Ontario Commercial Vehicle Operator's Registration application	Director, Infrastructure Services/City Engineer or designate	Mandatory requirements stipulated by the Ministry of Transportation and required to operate Commercial Motor Vehicles in the Province of Ontario.
Community Services			
45	Authority to issue permits for use of any City facility or lands	Director of Community Services or designate	Subject to the administration of Community Services programs and related to procedures. Subject to fees and charges schedule approved by Council annually.
46	Facility rental approvals	Director of Community Services or designate	Must follow Council-approved fees and rental policies
47	Partnership agreements/letters of agreement with service providers to support City programming.	Director of Community Services or designate	Within Council approved budget and in consultation with legal counsel and the Director of Corporate and Enterprise Services and/or Treasurer.
48	Negotiate, enter into and execute performing arts agreements	Director of Community Services or designate	Within Council approved budget and in consultation with legal counsel and the Director of Corporate and Enterprise Services and/or Treasurer.
Welland Fire and Emergency Services			

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49	Activate an emergency plan and implement municipal emergency control group notification	Fire Chief; CEMC	Decision to be made in accordance with City Emergency Plan. Mayor and CAO advised as soon as possible.
50	Purchases and services required under a declared emergency	Fire Chief; CEMC	Authority to procure goods and services within Purchasing Policy, excluding statutory authorities under the <i>Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4 (FPPA)</i> ; the purchasing provisions with <i>Emergency Management and Civil Protection Act, R.S.O. 1990, c. E.9 (EMCPA)</i> and emergency purchases that supersede the Purchasing Policy.