

The Corporation of the City of Kawartha Lakes

By-Law 2018-

A By-law to Repeal and Replace By-law 2015-054, being a By-law to Establish The City of Kawartha Lakes Drainage Board.

Recitals

1. Section 6 (1)(a) of Bill 170, City of Kawartha Lakes Act, states that Council may by by-law establish a Drainage Board, the members of which will have special knowledge and expertise with respect to the Drainage Act and the needs of the agricultural community which will be of assistance to Council.
2. Council approved the establishment of a Drainage Board for the City of Kawartha Lakes by resolution on January 29, 2001.
3. Council delegates to the Drainage Board all of Council's powers and duties under the Drainage Act, except for the power to make by-laws and resolutions, and requires the Drainage Board to exercise Council's powers and duties with respect to any matters under the Drainage Act in which Council is required by law to hold hearings or afford an opportunity to be heard.
4. This by-law confirms the establishment of the Drainage Board on the basis set out herein and sets out the Drainage Board's duties and responsibilities.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018- .

Section 1.00: Definitions and Interpretation

1.01 Definitions: In this by-law,

"City", "City of Kawartha Lakes" or "Kawartha Lakes" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"City Clerk" means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

"Council" or "City Council" means the municipal council for the City;

"Director of Engineering and Corporate Assets" means the person who holds that position with the City and his or her delegate(s) or, in the event of organizational changes, another person designated by Council;

"Drainage Act" means the Drainage Act, RSO 1990, Chapter D. 17, as amended;

"City of Kawartha Lakes Drainage Board" or "Drainage Board" or "Board" means the City of Kawartha Lakes Drainage Board;

1.02 Interpretation Rules:

(a) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

- 1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.
- 1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Establishment of The City of Kawartha Lakes Drainage Board

- 2.01 The City of Kawartha Lakes Drainage Board is established as a Board of Council under the provisions of the Drainage Act.

Section 3.00 Delegation of Authority

- 3.01 Pursuant to the provisions of the City of Kawartha Lakes Act, the Board shall have all the powers and duties of Council under the Drainage Act, including the power to receive public input on matters where Council would otherwise be required to hold a hearing or afford an opportunity for the public to be heard.
- 3.02 Except as is otherwise hereinafter expressly set out, the Board has no power to pass by-laws or resolutions the effect of which be to bind the municipal Council to either a course of action or expenditures

Section 4.00: Terms of Reference for the City of Kawartha Lakes Drainage Board

- 4.01 The City of Kawartha Lakes Drainage Board shall be governed by the Drainage Act and by the Council approved Terms of Reference for the Board.
- 4.02 In the event of a conflict between the provisions of this By-law or the Council approved Terms of Reference for the City of Kawartha Lakes Drainage Board and the Drainage Act or any other Act or Regulations, the provision of the Act or Regulations shall prevail.

Section 5.00: Administration and Effective Date

- 5.01 **Administration of the By-law:** Any responsibilities not clearly identified within this by-law or the Council approved Terms of Reference shall be the responsibility of the City of Kawartha Lakes. Council may, at its discretion, change this by-law or Council approved Terms of Reference for this Board at any time. Any changes proposed to this by-law or Council approved Terms of Reference by the Board shall be recommended to Council via the Director of Engineering and Corporate Assets through a report to Council.

5.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

Section 6.00: Repeals

6.01 **Repeal:** By-law 2015-054 is repealed.

By-law read a first, second and third time, and finally passed, this 11th day of December, 2018.

Andy Letham, Mayor

Cathie Ritchie, City Clerk