

THE CORPORATION OF THE TOWNSHIP OF PRINCE

BYLAW NUMBER 2022-13

BEING A BYLAW TO AUTHORIZE THE ELECTRONIC SIGNING OF DOCUMENTS

Legal Authority

Scope of Powers

Section 8(1) of the *Municipal Act*, 2001, S.O. 2001, c.25, ("*Municipal Act*") as amended, provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate, and to enhance their ability to respond to municipal issues.

Powers of a Natural Person

Section 9 of the *Municipal Act* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act.

Powers Exercised by Council

Section 5 (1) of the *Municipal Act* provides that the powers of a municipality shall be exercised by its Council

Powers Exercised by By-law

Section 5(3) of the *Municipal Act* provides that a municipal power, including a municipality's capacity, rights, powers and privileges under section 9, shall be exercised by bylaw unless the municipality is specifically authorized to do otherwise.

Electronic Commerce Act

Section 15 of the *Electronic Commerce Act*, 2000 S.O. 2000, c. 17 ("*Electronic Commerce Act*") gives authority to a public body to electronically deal with documents it has the power to create, collect, receive, store, transfer, distribute, publish or otherwise deal with.

Preamble

Council for the Corporation of the Township of Prince ("Council") acknowledges that it is not always possible for individuals with signing authority on behalf of the Township to attend the Township Office to execute documents in a timely manner.

Council further acknowledges that electronic signatures are necessary for the timely execution of certain agreements and/or documents.

Decision

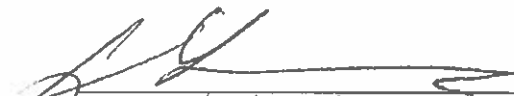
Council of the Corporation of the Township of Prince decides it in the best interest of the Corporation to authorize the execution of agreements and documents by electronic signatures.

Direction

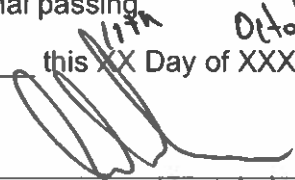
NOW THEREFORE the Council of the Corporation of the Township of Prince directs as follows:

1. Any member of Council, officer, or an employee that is authorized by legislation, bylaw, or policy to execute documents on behalf of the Township of Prince may do so by affixing an electronic signature.
2. Document means any written document (paper or electronic) including Bylaw, agreement, contract, memorandum, letter of intent, application, permit, report, notice, waiver, purchase order, lease, deed, or acknowledgement.
3. The following documents may NOT be signed by electronic signature under this Bylaw:
 - a. Third-party agreements or contracts that the third-party does not consent to the use of an electronic signature;
 - b. Cheques, bank drafts, debentures and other similar financial documents;
 - c. Agreements and other documents having a total value of over \$500,000; and
 - d. Any document that which may be prohibited by law from being signed electronically.
4. Electronic signature has the meaning as described in the *Electronic Commerce Act*.
5. Any document issued on behalf of the Township of Prince that may be signed using an electronic signature shall contain a statement explaining that when affixed, an electronic signature on behalf of the municipality is binding and references this Bylaw.
6. Nothing in this Bylaw requires other parties to electronically sign documents or for the Township of Prince to automatically accept documents signed electronically by a third-party.
7. Any conflict arising between this Bylaw and provincial or federal legislation shall cause those specific provisions not to be in force.
8. If a court of competent jurisdiction declares any provision or part of this Bylaw to be invalid or to be of no force or effect, the remainder of this Bylaw shall continue to be in force.
9. That this Bylaw will be reviewed one year from the date of passing.
10. This Bylaw takes effect on the day of its final passing.

Read and adopted by Resolution 2022-193 this 11th October Day of XXXXX 2022.



 MAYOR K. Lammie



 CLERK A. NOWLAN

