

**BYLAW 2018-810
of the VILLAGE OF CARBON
in the PROVINCE OF ALBERTA**

A BYLAW OF THE VILLAGE OF CARBON, IN THE PROVINCE OF ALBERTA, pursuant to the provisions of the Municipal Government Act, being Chapter M-26.1 of the Revised Statutes of Alberta 2000 and amendments thereto, to provide for the establishment of a Municipal Planning Commission in the Village of Carbon.

WHEREAS the Municipal Council wishes to establish a Municipal Planning Commission as required by the Municipal Government Act, Chapter M-26.1 of the Revised Statutes of Alberta 2000 and amendments thereto and as per the Administrative Agencies in the Land Use Bylaw 2018-804:

NOW THEREFORE the Council of the Village of Carbon pursuant to authority conferred upon it by Section 626, Part 1, of the Municipal Government Act, RSA 2000 Chapter M-26, and amendments thereto, enacts as follows:

Section 1.0 General

1.1. This by-law may be cited as the "Municipal Planning Commission By-Law".

Section 2.0 Definitions

2.1. In this by-law:

- (a) "Act" means Part 17, Municipal Government Act, RSA 2000 Chapter M-26, and amendments thereto.
- (b) "Authorized Persons" means a person or organization, regional, services commission or inter-municipal service agency authorized by the council to which the municipality may delegate any of its Subdivision authority and/or Development Authority powers, duties or functions.
- (c) "Chief Administrative Officer" (CAO): means the Chief Administrative Officer of the municipality appointed by the Council.
- (d) "Council" means the municipal council of the Village of Carbon.

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- (e) "Development Officer" means the person appointed by Council to
- (i) serve as development authority to exercise development powers and duties on behalf of the municipality pursuant to Section 624 of the Act; and
 - (ii) serve as signing authority on both development and subdivision matters pursuant to Section 210 of the Act.
- (f) "Municipal Planning Commission" means that body appointed by Council to:
- (i) Serve as subdivision authority pursuant to Section 624 of the Act;
 - (ii) Serve as development authority on those matters referred to it by the Development Officer pursuant to Section 624; and
 - (iii) Advise and assist on all other planning matters as referred to in Section 7.0. of this by-law.
- (g) "Municipality" means the corporation of the Village of Carbon.
- (h) "Inter-municipal Subdivision and Development Appeal Board" means a subdivision and development appeal board appointed pursuant to Section 627(2) of the Act.
- (i) "Resident" means a person living in the municipality on a daily basis and having a permanent address in the municipality.
- (j) All other terms used in this by-law shall have the meaning assigned to them by the Municipal Government Act, RSA 2000 Chapter M-26, and amendments thereto to the extent that such meaning differs from the ordinary meaning of such terms.

Section 3.0. Establishment

- 3.1. The Municipal Planning Commission hereinafter called the "Commission" is hereby established.
- 3.2. The Development Officer shall serve as a non-voting advisor to the Commission and shall attend all meetings.
- 3.3. Where the Municipal Planning Commission deems it necessary it may request any person or persons to attend its meetings in an advisory non-voting capacity.

- 3.4. The Municipality may by resolution delegate any of its subdivision authority and/or development authority powers, duties or functions to an authorized person or persons.

Section 4.0. Membership

- 4.1. The Municipal Planning Commission shall be composed of five (5) members appointed by resolution of Council as follows:
- i. Two (2) Council Members
 - ii. Three (3) Members At Large
- 4.2. Only Residents are eligible to sit as a member-at-large on the Municipal Planning Commission.
- 4.3. The Commission shall appoint from its members the following positions for a period of not more than one year:
- i. Chairperson
 - ii. Vice-Chairperson
- 4.4. No person who is appointed as member of the Inter-Municipal Subdivision and Development Appeal Board shall be member of the Municipal Planning Commission as per Section 627(4)(c) of the Act.
- 4.5. Council members to the Board shall be appointed annually at the Organizational Meeting of Council.
- 4.6. Member-at-large appointments, where possible, shall be made at the annual Organizational Meeting of Council and shall be appointed for an initial term of not more than three years so long as not more than one member-at-large term expires in any one year.
- i) New members shall take office at the first meeting following the official effective date of their appointment.
 - ii) Members-at-large shall be eligible to serve for a maximum of two (2) consecutive terms. Then, they must sit out at least one (1) year prior to again being eligible to serve on the Commission.
- 4.7. Any vacancy caused by death, retirement, or resignation of a member will be filled through Council resolution of a Municipal Planning Commission selection committee recommendation at the next available Regular Meeting of Council.

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4.7.1 Vacation of Position:

4.7.1.1. A Commission member shall be deemed to have vacated his position if, being appointed as a member from the Village of Carbon, they cease to reside in the Village of Carbon.

4.8. The Commission shall not be disbanded, nor a member of it discharged without cause.

4.9. Unless otherwise approved by the Commission, any member of the Commission, who is absent from three consecutive meetings, without approval, shall be replaced with a new representative through recommendations received from the Municipal Planning Commission Committee and appointment by Council resolution.

Section 5.0. Quorum

5.1. Three voting members of the Commission shall constitute a quorum for the making of all decisions and for doing any action required to be done by the Chairperson.

Section 6.0. Operation and Conduct of Business

6.1. The Municipal Planning Commission shall normally meet at least once every two months, and may hold such other meetings as may be required from time to time in order to effectively carry out Commission business. These meetings will be called to order by the Chairperson or designate in their absence.

6.2. Only those members of the Municipal Planning Commission in attendance at a meeting of the Commission may vote on any matter then before the Commission.

6.3. The decision of the majority of the members present at a meeting duly convened shall be deemed to be the decision of the whole Municipal Planning Commission.

6.4. The Commission shall give its decision in writing together with the reasons for approval or refusal and must state whether an appeal lies to a subdivision and development appeal board or to the Municipal Government Board.

6.5. An order, decision, notice, approval or other thing given by the Commission may be signed on its behalf by its Chairperson, a member

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elected to act as Chairperson, or the Development Officer authorized by Council pursuant to Section 210 of the Act.

- 6.6. In the absence of the Chairperson and Vice-Chairperson, those members present and constituting a quorum shall elect one of their members to preside as Chairperson for the meeting.
- 6.7. Any member of the Municipal Planning Commission shall not vote in any meeting on any question in which he or she has a conflict of interest or a pecuniary interest as determined by the appropriate sections of the Municipal Government Act dealing with these matters.
 - 6.7.1. When a member is not entitled to vote by virtue of Section 6.7. they shall so declare before discussion of the question and shall not participate in the discussion debate or voting. Their abstention shall be recorded.
- 6.8 Only those Members of the Commission present at a meeting of the Commission shall be able to vote on a matter at the meeting.
- 6.9 A decision of the majority of members present at a duly convened meeting of the Commission shall be deemed to be a decision of the whole commission.
- 6.10 In the event of a tie vote, the matter before the Commission shall be deemed to be denied.

Section 7.0. Functions and Duties of the Municipal Planning Commission

- 7.1. The Development Officer for the Village of Carbon:
 - 7.1.1. Is authorized to sign on behalf of the Commission any order, decision, approval, notice, or any other thing made, given or issued by the Commission.
 - 7.1.2. Undertakes such other duties as Council or the Commission may require.
- 7.2. The Commission shall:
 - 7.2.1. Hold meetings and undertake actions as a necessary to fulfil the powers and duties of the Commission.

- 7.2.2. Advise and assist Council on the planning for orderly, economical and beneficial development and use of land within the Municipality.
- 7.2.3. Serve as subdivision authority to exercise subdivision powers and duties on behalf of the municipality pursuant to Section 623 of the Act.
- 7.2.4. Serve as development authority to exercise development powers and duties on behalf of the municipality for those matters referred to it by the Development Officer pursuant to Section 3, Land Use By-Law No. 2018-804, and in accordance with Section 624 of the Act.
- 7.2.5. Recommend to Council subdivision fees as required.
- 7.2.6. Approve subdivision names, street names and address numbers for each lot in the municipality.
- 7.2.7. Perform on behalf of Council any other duties or functions assigned to the Planning Commission by the Council.
- 7.3 Development permit applications referred to the Commission shall be considered and either approved, with or without conditions, or refused in accordance with the Land Use Bylaw and Part 17 of the Act and any regulations made thereunder.
- 7.4. Where a development permit application has been approved by the Commission, a development permit shall be issued forthwith in accordance with the decision of Commission.
- 7.5. A decision of the Commission is not final until notification of the decision is given in writing.
- 7.6. Permitted Uses:
 - 7.6.1. The C.A.O. or delegate, has authority to issue a decision for an application for development approval which is a permitted use under the Land Use Bylaw and which complies with the requirements and regulations set out in the Land Use Bylaw.
- 7.7. Notwithstanding Section 7.6.1, the C.A.O. or delegate may forward any application for development approval to the Municipal Planning Commission for a decision.

7.8. Discretionary Uses:

7.8.1. The Municipal Planning Commission established under this Bylaw, has the authority, when the application for development permit is:

7.8.1.1. A discretionary use under the Land Use Bylaw; or

7.8.1.2. A permitted use under the Land Use Bylaw which does not otherwise comply with the requirements and regulations as set out in the Land Use Bylaw.

Section 8.0. Recording Secretary to Commission

8.1. The Development Officer or delegate shall serve as Secretary to the Board, and shall:

8.1.1. Notify all members and advisors of the Commission of the arrangements for the holding of each regular and special Commission meeting;

8.1.2. Prepare and maintain a file of written minutes of meetings of the Commission;

8.1.3. Record decisions of the Commission and issue the decision to all affected parties;

8.1.4. Be authorized to sign on behalf of the Commission any order, decision, approval, notice, or any other thing made, given or issued by the Commission;

8.1.5. Undertake such other duties as Council or the Commission may require;

8.1.6. Notify all applicants of the date of the meeting at which their application will be dealt with;

8.1.7. Notify such persons in writing as the Commission may designate of Commission decisions and the reasons therefore;

8.1.8. Keep and maintain on file for inspection by the public during all reasonable hours the following official records:

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- 8.1.8.1. A register of all applications for development permits, including the decisions thereon, and the reasons therefore,
- 8.1.8.2. Records of all evidence presented at the meeting by the applicant or an advisor,
- 8.1.8.3. Records of all decisions and the reasons therefore, in the meeting minutes along with any other business transacted by the Commission;
- 8.1.8.4. Carry out such other administrative duties as the Commission may specify;
- 8.1.8.5. Take the minutes for all regular and special Commission meetings, recording all decisions and the reasons therefore, along with all other business transacted at these meetings;
- 8.1.8.6. Minutes of all regular and special Commission meetings shall be regularly filed with the Council.

Section 9.0 Remuneration

- 9.1. Council Members appointed by resolution will receive remuneration of \$30.00 per hour for attendance to Municipal Planning Commission meetings.
- 9.2. Members at large appointed by resolution of Council will receive remuneration at the rate of \$30.00 per hour for attendance to the Municipal Planning Commission meetings.

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Section 10.0 Effective Date

10.0. This by-law shall take full force and effect upon third and final reading.

Read a First time this 4th day of September 2018.

Read a Second time this 4th day of September 2018.

Moved by Deputy Mayor Garrett that Council give unanimous consent for third and final reading.

Read a Third and Final time this 4th day of September 2018.



Mayor



Chief Administrative Officer

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