

TOWN OF MANNING, ALBERTA

BY-LAW 825 - 15

MUNICIPAL PLANNING COMMISSION

A By-law of the Town of Manning, in the Province of Alberta for the purpose of establishing a Municipal Planning Commission pursuant to the provisions of the Municipal Government Act, Chapter M26, Revised Statutes of Alberta 2000.

WHEREAS Council of the Town of Manning has authority to pass a bylaw to establish a municipal planning commission pursuant to Section 626(1) of the Municipal Government Act;

AND WHEREAS Council deems it desirable and necessary to establish a municipal planning commission and define the functions and duties of the commission, including but not limited to subdivision and development powers and duties;

AND WHEREAS Council deems it desirable to establish the procedure and conduct of the municipal planning commission and the municipal planning commission members;

NOW THEREFORE PURSUANT to the provisions of the Municipal Government Act, Chapter M-26, the Council of the Town of Manning, Alberta, in regular session duly assembled, enacts as follows:

SEVERABILITY

If any provision of this by-law is declared invalid because of any word, phrase, clause, sentence, paragraph or section of this by-law or any documents which form part of this by-law or an application thereof to any person or circumstance is declared invalid, the remaining provisions shall not be affected thereby, but shall remain in force.

SECTION 1 – INTERPRETATION

In this bylaw, all words and expressions shall have the meaning respectfully assigned to them in the Town of Manning Land Use Bylaw 816 – 14, as amended from time to time, as well as text within this bylaw and within the Municipal Government Act. The Municipal Planning Commission hereinafter will be referred to as the “Commission.”

SECTION 2 – SHORT TITLE

This By-law may be cited as the “Municipal Planning Commission Bylaw.”

SECTION 3 – DEFINITIONS

- 3.1 “Chief Administrative Officer” (CAO) means a person appointed to this position for the Town under Section 205 of the Municipal Government Act.
- 3.2 “Commission” means the Town’s Municipal Planning Commission.
- 3.3 “Council” means the duly elected municipal Council of the Town of Manning.

- 3.4 "Land Use Bylaw" means the Town's Land Use Bylaw No. 816/14, as amended from time to time.
- 3.5 "Meeting" means the act of coming together of the Commission members to join in discussion and make decisions. This includes telephone conferencing.
- 3.6 "Municipal Government Act (MGA)" means the *Municipal Government Act*, also referred to as the *Act*, Revised Statutes of Alberta 2000, Chapter M-26, as amended from time to time.
- 3.7 "Municipal Planning Commission (MPC)" means members from Council and the Public at Large appointed by resolution of Council to the municipality's Municipal Planning Commission.
- 3.8 "Municipality" means the corporation of the Town of Manning.
- 3.9 "Organizational Meeting of Council" means the annual organizational meeting of Council held pursuant to Section 192(1) of the Municipal Government Act, as amended from time to time.
- 3.10 "Pecuniary Interest" means an interest as described in Part 5, Division 6 of the Municipal Government Act as applied and adapted in the context of this bylaw, and as amended from time to time.
- 3.11 "Procedural Bylaw" means the Town's Council Procedural Bylaw No. 808-13 as amended from time to time.
- 3.12 "Public at Large" means a person or persons from the general public residing within the boundaries of the municipality unless otherwise permitted within Section 7. b. of this bylaw.
- 3.13 "Recording Secretary" means a person appointed by the CAO to act, in a non-voting capacity, as the Recording Secretary for Commission meetings.
- 3.14 "Subdivision Authority" means the person, persons, or Agency appointed as the Subdivision Authority pursuant to the Town's Bylaw No. 657/95 as amended from time to time.
- 3.15 "Town" means the Town of Manning.
- 3.16 "Town of Manning" means the corporation of the Town of Manning.
- 3.17 "All other terms used in the bylaw shall have the meaning assigned to them by the Municipal Government Act, RSA 2000, as amended, to the extent that the said meaning differs from the ordinary meaning of such terms.

SECTION 4 - ADMINISTRATION

- 4.1 The Town of Manning Municipal Planning Commission is hereby established.
- 4.2 The Commission shall be comprised of not less than five (5) members with no more than two (2) members of Council (who do not currently sit on the Development Appeal Board); the remaining members are to be comprised of members at large. The maximum number of members is to be eleven (11). If there are eleven (11) members of the Commission, not more than three (3) members of Council are permitted (who do not currently sit on the Development Appeal Board).
- 4.3 All Commission members shall be appointed annually by resolution of Council. The term of office of these members shall be one calendar year, but may be renewed by

resolution of Council and any vacancy occurring may be filled by resolution of Council at any time during the year.

- 4.4 The Commission shall appoint a Chairperson who shall sign all the decisions of the Commission.

SECTION 5 - ADVISORS

- 5.1 The Development Officer and/or Municipal Planner from the Mackenzie Municipal Services Agency (MMSA) or designate shall serve as a non-voting advisor to the Commission, and may be invited to attend a meeting or provide a written and/or oral submission on any matter which may concern the Commission or the Development Officer.
- 5.2 Where the Commission deems it desirable, it may request other person(s) to attend its meeting in an advisory capacity. Such person or persons shall not be members of the Commission and shall not have a vote in that respect.

SECTION 6 - ELIGIBILITY

- 6.1 No person who is a Development Officer, a Town staff member, an advisor or a member of the Development Appeal Board shall be appointed to act as a member of the Commission.
- 6.2 Public at Large members of the Commission shall not include non-residents of the Town of Manning unless:
- 6.2.1 the member is currently a member of the Commission, but in that event, that membership shall not be renewed or extended unless the membership falls within the requirements of sub-section 6.2.2;
- 6.2.2 there would be no more than two (2) non-resident members, each of whom has a substantial connection to the Town of Manning by virtue of either owning property or operating a business within the Town's municipal boundaries, or Council otherwise deems a substantial connection for good and sufficient reason.

SECTION 7 - QUORUM

- 7.1 2/3 of the members of the Commission shall constitute a quorum.
- 7.2 A quorum at a meeting of the Commission cannot include:
- 7.2.1 a majority of members of Council; or
- 7.2.2 a majority of non-resident members.

SECTION 8 - TERM OF OFFICE

- 8.1 Members of the Commission shall be appointed by resolution of Council for a term of office of one year and the term may be renewed for a further one year annually at the Organizational Meeting of Council.
- 8.2 Notwithstanding Sections 8.1, Commission appointments made prior to the adoption of this bylaw will continue until expiration of their current terms of office.

- 8.3 A member from Council who ceases to hold his or her position on Council automatically ceases to be a member of the Commission.
- 8.4 Council may by resolution remove a member from the Commission at any time.

SECTION 9 - CHAIR/VICE-CHAIR

- 9.1 After the Organizational Meeting of Council each year, the members of the Commission shall elect one member to act as Chair and one member to act as Vice-Chair. In the absence of the Chair, the Vice-Chair will act as Chair. In the absence of both the Chair and Vice-Chair, the members shall elect one of those present as acting Chair.
- 9.2 If the Chair or Vice-Chair for whatever reason ceases to hold that position prior to the end of the term, members of the Commission may, by resolution, appoint another member for the unexpired portion of time of that term.

SECTION 10 - FUNCTIONS AND DUTIES OF THE COMMISSION

- 10.1 The Commission shall:
- 10.1.1 advise and assist Council and various departments and agencies of the municipality with regard to the planning or orderly economical and beneficial development and use of land within the municipality; and
 - 10.1.2 receive, consider, and decide on those development applications required to be decided on by the Commission under the Land Use Bylaw or any other application or issues referred to the Commission by the Development Officer; and
 - 10.1.3 perform, on behalf of Council, any other duties or functions assigned to the Commission; and
 - 10.1.4 prior to giving its decision, along with any conditions, take into consideration the Land Use Bylaw, the MGA, and any other statutory plan.
- 10.2 The Commission may decide upon an application for a development notwithstanding that the proposed development does not comply with the land use bylaw if, in the opinion of the Commission:
- 10.2.1 The proposed development would not:
 - 10.2.1.1 unduly interfere with the amenities of the neighborhood; or
 - 10.2.1.2 materially interfere with or affect the use, enjoyment or value of neighboring properties; and
 - 10.2.2 the proposed development does not conflict with the use prescribed for that land or buildings in the land use bylaw.
- 10.3 Notwithstanding the provisions of the land use bylaw, upon receipt of a complete development permit application for a development listed as a Discretionary Use, the Commission may send a written notice to property owners within an area specified by the Commission indicating the location and nature of the proposed development and request comments.

SECTION 11 - COMMISSION MEETING PROCEDURE AND CONDUCT

- 11.1 The Commission shall hold meetings as are necessary to fulfill the Commission's functions and duties, but no later than 30 days from the date an application was submitted in its complete and final form.
- 11.2 The Secretary of the Commission, or delegate, shall notify Commission members of upcoming meetings and prepare an agenda for each meeting.
- 11.3 The Recording Secretary, or delegate, shall prepare written minutes of each meeting and regularly file the adopted minutes with Council.
- 11.4 Only those members of the Commission in attendance at a meeting of the Commission may vote on any matter before the Commission.
- 11.5 The decision of the majority of the members present at a meeting duly convened shall be deemed to be the decision of the whole Commission.
- 11.6 A quorum shall comprise of a two-thirds (2/3) majority of members of the Commission, with at least one member of Council and one member at large.
- 11.7 As soon after the hour of meeting there is a quorum present, the Chairperson shall take the chair and the members shall be called to order. In case the Chairperson shall not be in attendance, the Development Officer shall call the meeting to order until a Chairperson shall be chosen who shall preside during the meeting.
- 11.8 The Commission may appoint a committee or the Secretary of the Commission, or delegate, to consider and report back to the Commission upon any special matter coming within its jurisdiction.
- 11.9 Any member of the Commission shall not vote in any meeting on any question:
- 11.9.1 affecting a private company of which he/she is a shareholder, or
 - 11.9.2 affecting a public company in which he/she holds more than one percent of the number of shares issued, or
 - 11.9.3 affecting a partnership or firm of which he/she is a member, or
 - 11.9.4 affecting a company of which he/she is a director, or
 - 11.9.5 affecting his/her selling or leasing land or an interest in land to the Town of Manning, or
 - 11.9.6 in which he/she has direct or indirect pecuniary interest.
- 11.10 When any member is not entitled to vote by virtue of Section 11.9 and subsections (11.9.1 to 11.9.6), he/she shall so declare before discussion of the question and shall not participate in the debate. His/her abstention shall be recorded.
- 11.11 Pursuant to Sections 145(a) & (b) of the Municipal Government Act, to this bylaw, and to the Land Use Bylaw, the Commission shall be governed by all resolutions approved by Town Council.
- 11.12 The Chairperson of the Commission shall be elected at the Commission's first annual meeting for such period of time as the Commission may decide but in no case shall be longer than one year.
- 11.13 The Commission may make any further rules as are necessary for the conduct of its meetings and its business that are consistent with this bylaw, the Council procedural bylaw No. 808-13, and the Municipal Government Act.

- 11.14 The Commission shall have no power to raise money or expropriate land but may be authorized to expend such funds as may be furnished to it by Council.
- 11.15 The Chairperson of the Commission and the Secretary shall sign all decisions.
- 11.16 For those matters not covered within this bylaw, the Commission shall perform their duties in conformance with the procedures and conduct as specified in the Council procedural bylaw No. 808-13.

SECTION 12 - SECRETARY OF THE MUNICIPAL PLANNING COMMISSION

- 12.1 The office of the Secretary of the Commission is hereby constituted and shall be filled by the Development Officer or delegate.
- 12.2 The Secretary of the Commission shall:
- 12.2.1 pursuant to Section 195 and Section 196 of the Municipal Government Act notify all members and advisors of the Commission of the arrangements for the holding of each regular and special meeting of the Commission;
 - 12.2.2 notify the owner and the applicant of the decision of the Commission and the reasons accordingly;
 - 12.2.3 receive applications pursuant to the Town of Manning Land Use Bylaw, and gather in connection with each such application such relevant information, which in his/her opinion may be of assistance to the Commission in arriving at a decision or gather such additional specific information which the Commission may direct in order for it to arrive at a decision;
 - 12.2.4 keep and maintain on file for the inspection of the public during all reasonable hours the following official records:
 - 12.2.4.1 a register of all applications for permits including the decisions in that respect and the reasons accordingly, and
 - 12.2.4.2 records of all decisions and the reasons accordingly, written minutes of all meetings and business transacted by the Commission.
 - 12.2.5 Carry out such other administrative duties as the Commission may specify.

SECTION 13 - ABSENT MEMBERS

- 13.1 Where a meeting is held by the Commission and a member or members of the Commission is or are for any reason unable to attend on any day or date, the other members present have power to continue as fully and effectively as if members unable to attend were present and have and may exercise and perform the powers and duties of the Commission.
- 13.2 Any member of the Commission who is absent from three (3) consecutive meetings of the Commission, unless such member is so absent with the approval of the Chair, may be replaced with a new member duly appointed by Council.
- 13.3 Any vacancy caused by death, retirement, or resignation of a member may be filled by resolution of Council.

SECTION 14 - DECISION

- 14.1 Only those members of the Commission in attendance at a meeting of the Commission may vote on any matter that is before the Commission.
- 14.2 The decision of the majority of the members present at a meeting duly convened shall be deemed to be the decision of the whole Commission.
- 14.3 In the event of a tie vote, the motion shall be considered defeated.
- 14.4 All members present at a meeting shall vote on every matter placed before the Commission unless the member declares a pecuniary interest in the same manner as required of an elected representative pursuant to Sections 169, 170 and 172 of the MGA. Any member who declares a pecuniary interest shall not participate in any debate or decision concerning the matter. Such pecuniary interest shall be recorded in the minutes.

SECTION 15 - SIGNING AUTHORITY

- 15.1 An order, decision, approval, notice or other things made, given or issued by the Commission may be signed on its behalf by its Chair, the Vice-Chair or a member elected to act as Chair. The Secretary of the Commission, or delegate is not permitted to sign a decision.

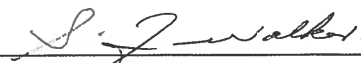
SECTION 16 – EFFECTIVE DATE

- 16.1 This By-law shall come into effect the date upon third and final reading.

READ A FIRST TIME this 10th day of June 2015

READ A SECOND TIME this 24th day of June 2015

READ A THIRD AND FINAL TIME this 24th day of June 2015



Sunni-Jeanne Walker
Mayor



Dennis Egyedy
Chief Administrative Officer