

**MUNICIPALITY OF CROWSNEST PASS**  
**BYLAW NO. 1042, 2020**  
**MUNICIPAL PLANNING COMMISSION BYLAW**

**BEING** a bylaw of the Municipality of Crowsnest Pass in the Province of Alberta, to establish a municipal planning commission to act as subdivision authority and development authority

**WHEREAS** Section 626 of the *Municipal Government Act* provides that a council may by bylaw establish a municipal planning commission;

**AND WHEREAS** Section 623 of the *Municipal Government Act* provides a council must by bylaw provide for a subdivision authority to exercise subdivision powers and duties on behalf of the municipality;

**AND WHEREAS** Section 624 of the *Municipal Government Act* provides a council must by bylaw provide for a development authority to exercise development powers and perform duties on behalf of the municipality;

**AND WHEREAS** the Council of the Municipality of Crowsnest Pass considers it desirable and necessary to establish a Municipal Planning Commission to exercise the functions and duties of the subdivision authority and the development authority;

**NOW THEREFORE**, the Council of the Municipality of Crowsnest Pass in the Province of Alberta enacts as follows:

**1. Short Title**

1.1 This Bylaw shall be cited as the “Municipal Planning Commission Bylaw”.

**2. Definitions**

2.1 In this Bylaw, any word or expression used in the Act has its statutory meaning unless otherwise specified in this section, and

(a) “**Act**” means the *Municipal Government Act*, RSA 2000, c M-26;

(b) “**Chair**” means the Member elected as chair of the MPC;

(c) “**Code of Conduct**” means the code of conduct established by the Municipality in accordance with the Act;

(d) “**Council**” means the duly elected Council of the Municipality;

(e) “**Councillor**” means an individual elected to be a member of the Council including the Mayor;

(f) “**Development Officer**” means the individual or individuals appointed as development officer by the Municipality;

- (g) **“Land Use Bylaw”** means the bylaw adopted from time to time as the land use bylaw for the Municipality pursuant to the Act;
- (h) **“Member”** means a member of the MPC;
- (i) **“Municipality”** means the municipal corporation of the Municipality of Crowsnest Pass;
- (j) **“Municipal Planning Commission”** or **“MPC”** means the municipal planning commission of the Municipality as established pursuant to this Bylaw;
- (k) **“Organizational Meeting”** means the annual meeting prescribed under subsection 192(1) of the Act; and
- (l) **“Vice-Chair”** means the individual appointed as vice-chair for the MPC.

### **3. Establishment**

- 3.1 The Municipal Planning Commission of the Municipality of Crowsnest Pass, hereinafter called the MPC, established by Bylaw No, 365, 1995, is hereby continued.

### **4. Appointment**

- 4.1 All Members shall be appointed by resolution of Council at the Organizational Meeting.
- 4.2 The MPC shall have seven Members.
- 4.3 Five Members shall be appointed from the public-at-large and must be adult residents of the Municipality.
- 4.4 Two Members shall be appointed from Council.
- 4.5 Members shall be appointed for the following terms:
  - (a) Members from the public-at-large shall be appointed for three year terms; and
  - (b) Councillors shall be appointed for one year terms.
- 4.6 Terms of appointment shall begin and expire as follows:
  - (a) for Members from the public-at-large, terms of appointment shall begin on January 1 of the year of the appointment and end on December 31 at the expiry of the term of appointment; and
  - (b) for Councillors, terms of appointment shall begin the day after the Organizational Meeting of the year of the appointment and end on the day of the Organizational Meeting at the expiry of the term of appointment.
- 4.7 No individual who is a Member of the MPC shall be a member of the Municipality’s subdivision and development appeal board.

4.8 Council may alter the term of office of any Member.

4.9 Members may be reappointed for consecutive terms.

## **5. Resignation**

5.1 Any Member may resign at any time upon providing written notice to the Chair and the CAO.

## **6. Disqualification**

6.1 A Member ceases to be a Member if:

- (a) the Member ceases to be a resident of the Municipality;
- (b) the Member becomes an employee of or a Councillor for the Municipality;
- (c) in the case of a Councillor, the Councillor ceases to be a Councillor; or
- (d) the Member is removed from the MPC by a resolution of Council.

## **7. Vacancies**

7.1 The Chair shall immediately advise Council when there is a mid-term vacancy.

7.2 Administration shall advertise the vacancy and Council shall attempt to fill the vacancy as soon as possible.

7.3 Members appointed mid-term shall hold office for the remainder of the term unless Council provides otherwise by resolution.

## **8. Remuneration**

8.1 Members shall not be remunerated for attending meetings unless Council provides otherwise in this Bylaw.

8.2 Upon pre-approval by Council, Members may be reimbursed expenses to attend relevant training, meetings or conferences, consistent with the Municipality's policies and procedures on reimbursement.

## **9. Code of Conduct**

9.1 Members shall abide by the Code of Conduct adopted by Council.

## **10. Orientation**

10.1 The CAO shall provide orientation materials and training to all Members of the MPC.

## **11. Functions and Duties of the MPC**

11.1 The MPC has the following powers and duties:

- (a) to exercise the subdivision powers and duties on behalf of the Municipality as the Municipality's Subdivision Authority, in accordance with the Act and the Land Use Bylaw; and
- (b) to exercise the development powers and perform duties on behalf of the Municipality as the Municipality's Development Authority, in accordance with the Land Use Bylaw.

## **12. Meetings and Procedures**

- 12.1 At the first meeting of the MPC following the Organizational Meeting, the Members shall elect one Member as Chair and one Member as Vice-Chair to hold office for a term of one year from the date of election.
- 12.2 The Chair shall preside over meetings of the MPC.
- 12.3 In the Chair's absence, the Vice-Chair shall preside over the meeting. If both the Chair and Vice-Chair are absent, the Members present shall elect one Member of the Members present to preside over the meeting.
- 12.4 The MPC shall hold meetings when and as necessary to consider applications, in accordance with the Act.
- 12.5 Four Members of the MPC shall constitute a quorum.
- 12.6 MPC meetings shall be held in public; however, the MPC may deliberate and make its decisions in meetings that are closed to the public in accordance with the Act.
- 12.7 The MPC is not required to hear any public delegations.
- 12.8 The decision of the majority of the Members present at a meeting shall be deemed to be the decision of the whole MPC.
- 12.9 All Members present at a meeting are required to participate and vote. In the event of a tie vote, the decision shall be deemed to be decided in the negative.
- 12.10 Where required by the Act, the MPC shall give its decision in writing together with reasons.
- 12.11 The MPC may issue orders, decisions, development permits, and approvals with or without conditions and such orders, decisions, development permits, and approvals may be signed by the Chair or a delegate.
- 12.12 For those matters not covered by this Bylaw or the Act, the MPC may establish rules of procedure necessary for the conduct of its meetings provided the rules are consistent with this Bylaw and the Act.

## **13. Administrative Support for the MPC**

- 13.1 The Chief Administrative Officer or their delegate shall act as administrative support for the MPC and shall attend all meetings of the MPC but shall not be a Member of the MPC or vote.

13.2 The administrative support staff shall:

- (a) ensure all statutory requirements for the MPC are met;
- (b) give notice of all meetings in accordance with the Act;
- (c) prepare the MPC agenda and the agenda package for distribution;
- (d) record and distribute the minutes of the MPC meetings;
- (e) record the decisions of the MPC and the reasons for the decisions;
- (f) assist the Development Officer, as required, to ensure notices of MPC decisions are given as required by the Land Use Bylaw; and
- (g) undertake and complete such other tasks as the MPC may direct.

**14. Subdivision Delegation**

14.1 Council hereby delegates the following subdivision powers, duties and functions to the Oldman River Regional Planning Commission:

- (a) providing advice to applicants for subdivision;
- (b) processing applications for subdivision;
- (c) collecting all pertinent subdivision approval fees;
- (d) notifying applicants, pertinent agencies, government departments and adjacent land owners of applications as required by the Act;
- (e) preparing draft resolutions for consideration by the MPC;
- (f) appearing at meetings of the MPC as requested to do so from time to time;
- (g) compiling the documentation of all pertinent comments of those persons and local authorities to which the notice of application was given;
- (h) conducting a site inspection (where feasible to do so) at the location of the proposed application for subdivision approval;
- (i) finalizing the required endorsement of plans of survey or other instruments for registration purposes at Land Titles Office;
- (j) conveying the notification of final subdivision approval to the registered owner and/or the authorized agent;
- (k) maintaining a control registry and corresponding archival information relating to the application for subdivision approval on behalf of the Municipality;

- (l) providing of all pertinent information for consideration at a hearing of the appropriate subdivision and development appeal board;
- (m) appearing, for the purpose of providing pertinent information, at a hearing of a subdivision and development appeal board;
- (n) performing any other duties or functions as requested, by resolution of Council, as agreed to by the Oldman River Regional Planning Commission; and
- (o) performing any other duties or functions as required by the *Subdivision and Development Regulations*.

**15. Rules of Interpretation**

- 15.1 The headings in this Bylaw are for guidance purposes and convenience only.
- 15.2 Every provision in this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.
- 15.3 In this Bylaw, a citation of or reference to any enactment of the Province of Alberta or of Canada, or of any other bylaw of the Municipality, is a citation of or reference to that enactment or bylaw as amended, whether amended before or after the commencement of the enactment or bylaw in which the citation or reference occurs.

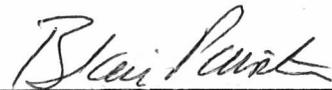
**16. Coming into Force**

- 16.1 This Bylaw repeals and replaces Bylaw No. 365, 1995 and Bylaw No. 483, 1998.
- 16.2 This Bylaw shall come into force and effect when it has received third reading and has been duly signed.

READ a **first** time in council this 7th day of January 2020.

READ a **second** time in council this 7th day of April 2020.

READ a **third and final** time in council this 7th day of April 2020.



Blair Painter  
Mayor



Patrick Thomas  
Chief Administrative Officer