

TOWN OF ROCKY MOUNTAIN HOUSE

BYLAW NO 2018/22V

A Bylaw of the Town of Rocky Mountain House, in the Province of Alberta, pursuant to the provisions of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta 2000 and amendments thereto, to provide for the establishment of the Development Authority, Subdivision Authority and a Municipal Planning Commission in the Town of Rocky Mountain House.

WHEREAS Council is required to establish a Subdivision Authority pursuant to Section 623(1) of the Municipal Government Act, Chapter M-26 of the Revised Statutes of Alberta 2000 and amendments thereto:

WHEREAS Council is required to establish a Development Authority pursuant to Section 624(1) of the Municipal Government Act, Chapter M-26 of the Revised Statutes of Alberta 2000 and amendments thereto:

WHEREAS Council wishes to establish a Municipal Planning Commission pursuant to Section 262(1) of the Municipal Government Act, Chapter M-26 of the Revised Statutes of Alberta 2000 and amendments thereto:

NOW THEREFORE the Municipal Council of the Town of Rocky Mountain House, duly assembled enacts as follows:

1. Title

- 1.1 This Bylaw may be cited as the "Subdivision and Development Authority Bylaw".

2. Definitions

2.1 The following words and terms are defined as follows:

- a. "Act" means the Municipal Government Act, S.A. 2000, c.M-26, as amended;
- b. "CAO" means the Chief Administrative Officer as appointed by Council;
- c. "Council" means the municipal Council of the Town of Rocky Mountain House"
- d. "Development Authority" means the Commission and the person or persons appointed by the CAO pursuant to this bylaw;
- e. "Land Use Bylaw" means Land Use Bylaw no. 11/11LU as amended or replaced from time to time;
- f. "Member" means a member of the Municipal Planning Commission appointed pursuant to this Bylaw;
- g. "MPC" means the Municipal Planning Commission of the Town of Rocky Mountain House established pursuant to this Bylaw;
- h. "Municipal Planning Commission" means the Municipal Planning Commission of the Town of Rocky Mountain House established pursuant to this Bylaw;
- i. "Secretary" means the person that provides administrative support to the Municipal Planning Commission;
- j. "Subdivision Authority" means the Commission as established pursuant to this bylaw;
- k. "Town" means the Town of Rocky Mountain House

3. Establishment of Subdivision Authority

3.1 The Municipal Planning Commission is hereby established is hereby established as the Subdivision Authority and is hereby authorized to exercises subdivision powers and duties on behalf of the Town in accordance to the Land Use Bylaw.

4. Establishment of Development Authority

4.1 The Development Authority is hereby established and shall consist of one or more of the following:

- a. The MPC as established by this bylaw; and
- b. The Director of Planning and Community Development as appointed by the CAO; and
- c. The Development Officer(s) as appointed by the CAO; and
- d. Council for a Direct Control District.

And are hereby authorized to exercises development powers and duties on behalf of the Town in accordance to the Land Use Bylaw.

5. Establishment of Municipal Planning Commission

5.1 The Municipal Planning Commission is hereby established.

5.2 The Development Officer shall serve as a non-voting advisor to the MPC and shall attend all meetings.

5.3 The CAO or the Director of Planning and Community Development may serve as a non-voting to the MPC and may attend any or all meetings.

5.4 Where the MPC deems it necessary it may request any person or persons to attend its meetings in an advisory non-voting capacity.

6. MPC Membership and Term

6.1 The MPC shall consist of:

- a. Two members of Council; and
- b. three persons who are residents of the Town or principally employed within the Town.

- 6.2 A Member of the MPC shall not include:
- a. The Director of Planning and Community Development;
 - b. A Development Officer;
 - c. An employee of the Town; or
 - d. A member of the Subdivision and Development Appeal Board.
- 6.3 Each Member of the MPC shall be appointed for a term specified by the Resolution of Council but in no case shall the appointment be more than one year.
- 6.4 Notwithstanding Section 6.3, a person may be reappointed to the MPC upon the expiration of that person's term.
- 6.5 In the event of a vacancy, Council may appoint by Resolution of Council a new member to serve for the remainder of the vacating Member's term.
- 6.6 If a Member misses three (3) consecutive meetings without the authorization of the MPC, the person is disqualified, and the position becomes vacant; otherwise, a Member of the Commission shall not be discharged without cause.
- 6.7 A Chairperson and a Vice-Chairperson of the Board shall be chosen by the membership attending the first meeting of the Board held following the Town of Rocky Mountain House organizational meeting each year.

7. Procedural Matters

- 7.1 Three members of the MPC shall constitute a quorum.
- 7.2 In the event of absence or inability of the Chairperson to preside at a MPC meeting, the Vice-Chairperson shall preside, and in the event of the absence or inability of both the Chairperson and Vice-Chairperson to preside at a meeting of the MPC, the Members present in constituting a quorum shall elect one of its members to act as Chairperson.

- 7.3 The Director of Planning and Community Development shall appoint a person or persons to serve as Secretary to the MPC, who shall:
- a. not have a vote
 - b. notify all Members of the MPC of the meetings of the MPC;
 - c. notify all applicants of the date of the meeting at which their application will be dealt with;
 - d. prepare and maintain a file of written minutes of meetings of the MPC, copies of which shall be regularly filed with Council;
 - e. record decisions of the MPC and issue the decision to all affected parties with reasons thereof;
 - f. be authorized to sign on behalf of the MPC any order, decision, approval, notice, or other thing made, given or issued by the MPC;
 - g. undertake other duties as the Director of Planning and Community Development or the MPC may require.
- 7.4 Only those Members present at a meeting of the MPC shall vote on any matter before it.
- 7.5 A decision of the majority of Members present at a duly convened meeting of the MPC shall be deemed to be a decision of the whole MPC.
- 7.6 In the event of a tie vote, the matter before the MPC shall be deemed to be denied.
- 7.7 The MPC shall follow all procedures and requirements in Part 17 of the Act.
- 7.8 For any procedural matter not addressed in this Bylaw, the MPC shall follow the procedures for the conduct of meetings as established in the Town Procedural Bylaw as amended from time to time.
- 7.9 The Town's Code of Conduct Bylaw, as amended from time to time, applies to all Members of the MPC.

8. Functions and Duties of MPC

- 8.1 The MPC has the following functions and duties:
- a. Upon the request of Council, to advise Council with respect to achieving the orderly, economical and beneficial development, use of land and patterns of human settlement, and to maintain and improve the quality of the physical environment within which the patterns of settlement are situated in the Town;
 - b. To serve as Subdivision Authority pursuant to Part 17 of the Act and as empowered by this Bylaw;
 - c. To serve as Development Authority in respect to those powers and duties assigned to the MPC under the Land Use Bylaw.
- 8.2 The MPC shall hold meetings and undertake such actions as are necessary to fulfil the powers and duties of the MPC.
- 8.3 Applications for subdivision approval referred to the MPC shall be considered and either approved, with or without conditions, or refused in accordance with Part 17 of the Act and any regulations made thereunder.
- 8.4 The notice of decision on an application for subdivision approval must be given forthwith to the applicant and any other persons and bodies required in the Act.
- 8.5 Development permit applications referred to the MPC 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.
- 8.6 The notice of a decision on an application for a development permit must be given forthwith to the applicant and any other persons and bodies.
- 8.7 A decision of the MPC is not final until notification of the decision is given in writing.
- 8.8 If a Member has direct pecuniary interest in a matter before the MPC, or if a Member is aware of any reason which may lead to a possible bias when hearing the matter, the Member shall declare an interest or likelihood of bias to the MPC and shall abstain from discussion and voting on the matter, and such abstention shall be recorded in the minutes.

8.9 Notwithstanding Section 7.3.f, an order, decision or approval made, given or issued by the MPC may be signed by the Chairman or Vice-Chairman of the MPC.

9 Repeal of Bylaws

9.1. The Municipal Planning Commission Bylaw No. 98/25V is hereby repealed.

9.2 The Development Authority Bylaw 95/15LU is hereby repealed.

10 Severance

10.1 If any provision herein is adjudged by a Court of competent jurisdiction to be invalid for any reason, then that provision shall be severed from the remainder of the Bylaw and all other provisions of this Bylaw shall remain valid and enforceable.

11 Effective Date

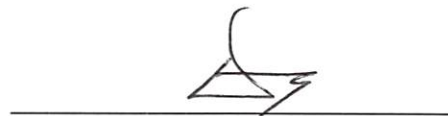
11.1 This Bylaw shall come into force upon third and final reading.

READ a first time 11th day of Sept., 2018.

READ a second time this 11th day of Sept., 2018.

READ a third time and finally passed this 11th day of Sept., 2018.


Tammy Burke, Mayor


Dean Krause, CAO