

TOWN OF ECKVILLE

BY-LAW NO. 576/95

MUNICIPAL PLANNING COMMISSION

A Bylaw of the Town of Eckville, in the Province of Alberta, pursuant to provisions of the Municipal Government Act, being Chapter M-26.1 of the Revised Statutes of Alberta 1994 and amendments thereto, to provide for the establishment of a Municipal Planning Commission in the Town of Eckville.

WHEREAS, the Municipal Council wishes to establish a Municipal Planning Commission pursuant to the Municipal Government Act, Chapter M-26.1 of the Revised Statutes of Alberta 1994 and amendments thereto;

NOW THEREFORE the Municipal Council of the Town of Eckville, duly assembled enacts as follows:

Title

1. This By-law shall be cited as the "Municipal Planning Commission Bylaw".

Definitions

2. The following words and terms are defined as follows:
  - a. "Act" means the Municipal Government Act, S.A. 1994, c.M-26.1, as amended;
  - b. "Commission" means the Municipal Planning Commission established by bylaw;
  - c. "Council" means the Council of the Town of Eckville;
  - d. "Development Officer" means a person appointed to the position of Development Officer pursuant to Land Use Bylaw No. 519/87
  - e. "Land Use Bylaw" means Land Use Bylaw No. 519/87;
  - f. "Member" means a member of the Municipal Planning Commission appointed pursuant to this Bylaw;
  - g. "Town" means the Town of Eckville;

Establishment of Authority

3. The Municipal Planning Commission is hereby established.

Membership and Term

4. The Commission shall consist of at least three persons, the majority of which shall be Councillors.
5. A Member of the Commission shall not include:
  - a. a Development Officer;
  - b. a Member of the Subdivision and Development Appeal Board.
6. Each Member of the Commission shall be appointed for a term specified by Resolution of Council, but in no case shall the appointment be for more than one year.
7. Notwithstanding Section 6, a person may be reappointed to the Commission upon the expiration of that person's term.
8. 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.
9. If a Member misses three (3) consecutive meetings without the authorization of the Commission, the person is disqualified and the position becomes vacant; otherwise, a Member of the Commission shall not be discharged without cause.
10. The Chairman and Vice-Chairman of the Commission shall be appointed annually by Resolution of Council.

Procedure Matters

11. A quorum of the Commission shall consist of the majority of the Members.
12. In the event of absence or inability of the Chairman to preside at a Commission meeting, the Vice-Chairman shall preside, and in the event of absence or inability of both the Chairman and Vice-Chairman to preside at a meeting of the Commission, the Members present in constituting a quorum shall elect one of its members to act as Chairman.
13. Council shall appoint by Resolution of Council a person or persons to serve as Secretary to the Board, who shall:
  - a. not have a vote;
  - b. notify all Members of the Commission of the meetings of the Commission,
  - c. prepare and maintain a file of written minutes of meetings of the Commission, copies of which shall be regularly filed with the Council;
  - d. record decisions of the Commission and issue the decision to all affected parties;
  - e. be authorized to sign on behalf of the Commission any order, decision, approval, notice, or other thing made, given or issued by the Commission;
  - f. undertake other duties as Council or the Commission may require;
14. Only those Members of the Commission present at a meeting of the Commission shall be able to vote on a matter at the meeting.
15. 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.
16. In the event of a tie vote, the matter before the Commission shall be deemed to be denied.
17. For any procedures not covered in Part 17 of the Act or by bylaw of the Town, the Commission may establish procedures for the conduct of meetings.

Functions and Duties

18. The Commission 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 Development Authority pursuant to Part 17 of the Act and as empowered by the Development Authority Bylaw No. 576/95 in respect to those powers and duties assigned to the Commission under the Land Use Bylaw.
19. The Commission shall hold meetings and undertake actions as are necessary to fulfil the powers and duties of the Commission.
20. 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.
21. Where a development permit application has been approved by the Commission, a development permit shall be issued forthwith in accordance with the decision of the Commission.
22. A decision of the Commission is not final until notification of the decision is given in writing.
23. If a Member has direct pecuniary interest in a matter before the Commission, 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 Commission and shall abstain from discussion and voting on the matter, and such abstention shall be recorded in the minutes.
24. Notwithstanding Section 13,e, an order, decision or approval made, given or issued by the Commission may be signed by the Chairman or Vice-Chairman of the Commission.

Transition

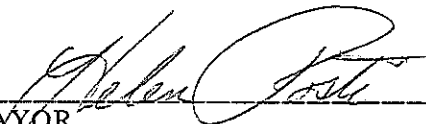
25. Upon the coming into force of this Bylaw, the Members of the Municipal Planning Commission appointed pursuant to the Municipal Planning Commission Bylaw No. 526/88, who meet the conditions of membership set out in Section 5 of this Bylaw, are continued as Members of the Commission until new members are appointed by Council in accordance with the provisions of this Bylaw.

26. Municipal Planning Commission Bylaw No. 526/88 is hereby repealed.

READ a first time this 13th day of November, 1995.

READ a second time this 13th day of November, 1995.

READ a third and final time this 13th day of November, 1995.

  
MAYOR

  
MUNICIPAL ADMINISTRATOR