



**BYLAW NO.05-2024
OF THE TOWN OF SMOKY LAKE
IN THE PROVINCE OF ALBERTA**

A BYLAW OF THE TOWN OF SMOKY LAKE IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF ESTABLISHING THE MUNICIPAL PLANNING COMMISSION FOR THE TOWN OF SMOKY LAKE

WHEREAS, Section 625 of the *Municipal Government Act R.S.A. 2000 Ch M-26.*, as amended, the “Act” provides that a Municipal Council may by Bylaw establish a Municipal Planning Commission;

AND WHEREAS, the Municipal Planning Commission is authorized to make decisions on applications for development approval in accordance with administrative procedures, the Municipal Government Act, the Subdivision and Development Regulation, any statutory plan of the municipality, and the municipal Land Use Bylaw;

AND WHEREAS the purpose of this Bylaw is to establish the authority of the Municipal Planning Commission;

NOW THEREFORE the Council of the Town of Smoky Lake, in the Province of Alberta, duly assembled, enacts as follows:

1. TITLE

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

2. DEFINITIONS

- 2.1. “Act” means the *Municipal Government Act*, RSA 2000, Ch. M-26 and successive Acts and amendments thereto;
- 2.2. “Council” means the Mayor and Councillors duly elected in the Town of Smoky Lake and who are eligible to continue to hold office;
- 2.3. “Commission” means the Municipal Planning Commission for the Town of Smoky Lake established pursuant to this Bylaw;
- 2.4. “Development Authority” means person(s) established under Section 3 herein to perform the functions of a Development Authority under the Act;
- 2.5. “Development Officer” means one of the persons appointed to the position of Development Officer according to the current Town of Smoky Lake Land Use Bylaw;
- 2.6. “Land Use Bylaw” means the Land Use Bylaw of the Town of Smoky Lake, pursuant to the Act;
- 2.7. “Member” means a Member of the Commission appointed by Council;
- 2.8. “Member at Large” means a person appointed by Council as a Member of the Municipal Planning Commission, who is not a Councillor or a Town employee.
- 2.9. “Municipal Planning Commission” means the Municipal Planning Commission of the Town of Smoky Lake as established under this Bylaw;

2.10. "Town" means the municipal corporation of the Town of Smoky Lake;
All other terms used in this Bylaw shall have the meaning as is assigned to them in the Act.

3. MEMBERSHIP

- 3.1. The commission known as the Municipal Planning Commission (MPC) of the Town of Smoky Lake, herein called "The Commission" is hereby established.
- 3.2. The Commission shall comprise of a maximum of three (3) members appointed by resolution of Council and consisting of:
 - 3.2.1. not more than (3) Members of Council; and
 - 3.2.2. not more than one (1) Member at Large.
- 3.3. Three (3) Members must be maintained in the Commission.
- 3.4. Any vacancy caused by the resignation, retirement, or death of a Member may be filled by a resolution of Council as required from time to time.
- 3.5. The Commission shall not be disbanded, nor a member of it discharged without cause.
- 3.6. A Member of the Commission shall not be:
 - 3.6.1. A person who carries out development or subdivision powers, duties, and functions on behalf of the Town of Smoky Lake, or;
 - 3.6.2. A member of the Intermunicipal Subdivision and Development Appeal Board.

4. MEMBER AT LARGE

- 4.1. Member at Large shall be:
 - 4.1.1. A minimum of eighteen (18) years of age; and
 - 4.1.2. Residing within the Smoky Lake Region, preferably residing within the Town;
 - 4.1.3. A Canadian citizen.
- 4.2. In the case of multiple applicants for the Member at Large position, the following criteria may be used to select the appropriate member:
 - 4.2.1. Knowledge of development issues in the Town;
 - 4.2.2. General knowledge about planning procedure;
 - 4.2.3. Residents of the Town of Smoky Lake may given priority;
 - 4.2.4. Any other aspect deemed appropriate by Council.
- 4.3 Member at Large shall be remunerated as per the Town's Honorariums, Per Diems & Expenses Policy.
- 4.4 Council may choose to select a Councillor in place of a Member at Large for any reason they deem appropriate.

5. APPOINTMENT

- 5.1. Appointment of Members to the Commission shall be completed by resolution of Council at the annual organizational meeting, or as needed, to provide for the membership of the Commission.
- 5.2. Appointment to the Commission shall be for one (1) year term for Members from Council.
- 5.3. Appointment to the Commission for the Member at Large shall be for a three (3) year term.

5.4. A Member at Large may serve up to three (3) terms.

6. TERMINATION OF APPOINTMENT

6.1 Council may, by resolution, terminate the appointment of any Commission Member if:

6.1.1 the Member is absent from more than three (3) consecutive meetings;

6.1.2 the Member ceases to reside within the Smoky Lake Region;

6.1.3 conduct of the Member contravenes the Town of Smoky Lake Code of Conduct Bylaw enacted at the time of the contravention;

6.1.4 upon the resignation of the Member.

7. CHAIRPERSON AND VICE-CHAIRPERSON

7.1. The Commission shall elect a Chairperson and Vice-Chairperson from its Members at the Commission's first meeting following the annual Organizational Meeting.

7.2. The Chairperson shall preside over the conduct of the meeting including the preservation of good order and decorum, ruling of points of order, replying to points and procedure, and deciding all questions relating to the orderly procedure of the meeting.

7.3. The Vice-Chairperson shall conduct the meeting in the absence or inability of the Chairperson.

8. MEETINGS

8.1. A Member of the Commission who is unable to attend the whole meeting on an application shall not participate in the deliberations or decision of the Commission upon that application.

8.2. The decision of the majority of Members present shall be deemed to be the decision of the whole Commission.

8.3. The Commission shall hold such meetings as are necessary to fulfill the Commission's responsibilities.

8.4. The Commission shall prepare and maintain a file of written minutes of the business transacted at all meetings of the Commission.

8.5. The Commission may make rules as are necessary for the conduct of its meetings and its business that are consistent with the Municipal Development Plan, Land Use Bylaw and the Act.

9. QUORUM

9.1. Two (2) members of the Commission shall constitute a quorum for the making of all decisions and for doing any action required or permitted to be done by the Chairperson.

9.2. In the event of a tie vote, any motion of the Commission shall be deemed defeated.

10. PROCEDURE

10.1. The Commission may:

10.1.1. Advise and assist Council in regard to the planning of orderly and economical development

within the municipality and shall seek to ensure that any proposed development is in accordance with the purpose, scope, or intent of the Land Use Bylaw and any other relevant planning documents.

- 10.1.2. Advise the subdivision approving authority of the Municipality with respect to any proposed subdivision or outline plans within or near the boundaries of the municipality.
- 10.2. The Commission is hereby authorized and assigned by the Council to act as the Development Authority and to receive, consider, and decide on applications for Development Permits in the manner prescribed by the Land Use Bylaw and the Act.
- 10.3. The Commission may issue an Order, Development Permit, decision, approval, refusal, or issue a Notice, with or without conditions.
- 10.4. The Development Officer shall serve to support the functions of the Commission, and shall:
 - 10.4.1. not have a vote;
 - 10.4.2. notify all members of meetings of the Municipal Planning Commission;
 - 10.4.3. notify the public according to the notification procedure of the Land Use Bylaw and the Act;
 - 10.4.4. ensure that a file of written minutes of the business transacted at all meetings of the Commission is prepared and maintained;
 - 10.4.5. ensure record decisions of the Commission and issue the decision, order, or permit forthwith to all parties affected in accordance with the Act;
 - 10.4.6. be authorized to sign on behalf of the Commission any order, decision, approval, notice, or other thing made, given or issued by the Commission;
 - 10.4.7. keep a record of the names and addresses of those making representations at the meeting;
 - 10.4.8. undertake other duties as the Commission may require in the conduct of its business.

11. SEVERABILITY

- 11.1. It is the intention of Council that each separate provision of this Bylaw shall be deemed independent of all other provisions, and it is further the intention of Council that if any provision of this Bylaw be declared invalid, that provision shall be deemed to be served and all other provisions of this Bylaw shall remain in force and effect.

11. REPEAL OF BYLAWS

- 11.1 The following Bylaws are hereby repealed upon the final passing of this Bylaw:

- a) Bylaw No. 017-2020: Municipal Planning Commission.

12. EFFECTIVE DATE

- a. This Bylaw shall come into force and effect on third and final reading.

READ a FIRST time this 18th Day of March 2024.

READ a SECOND time this 18th Day of March 2024.

READ a THIRD and FINAL time with the UNANIMOUS CONSENT OF ALL COUNCILLORS this
18th Day of March 2024.

Amy Cherniwchan
Mayor

Dawn Phillips
Chief Administrative Officer

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