



BYLAW

Bylaw Number: 1353/21

A BYLAW OF THE MUNICIPALITY OF THE TOWN OF NANTON IN THE PROVINCE OF ALBERTA TO ESTABLISH A MUNICIPAL PLANNING COMMISSION

WHEREAS, Section 625(1) of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta, 2000, provides that Council may by bylaw establish a municipal planning commission; and

WHEREAS, the purpose of this bylaw is to establish a Municipal Planning Commission to act as the subdivision authority and a development authority for the Municipality;

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

1. TITLE

- 1.1 This Bylaw will be cited as the Municipal Planning Commission Bylaw.

2. INTERPRETATION

Definitions:

- 2.1 The use of nouns and pronouns within this Bylaw are gender neutral and, accordingly, any reference to one gender includes the other. Also, words in the singular include the plural and conversely, words in the plural include the singular.
- 2.2 In this Bylaw, words shall have the same meanings as in the Act and Regulations thereunder except as otherwise defined below.
- 2.3 In this Bylaw:
- 2.3.1 "CAO" is the Chief Administrative Officer of the Town of Nanton.
 - 2.3.2 "Chairperson" is the **Member** elected by the Members of the Town of Nanton Municipal Planning Commission to preside over the Municipal Planning Commission.
 - 2.3.3 "Council" is the Municipal Council of the Town of Nanton.
 - 2.3.4 "Development Officer" is a person(s) appointed by Council to act as a development authority pursuant to the Act and as established by Bylaw.
 - 2.3.5 "Member" is a Member of the Municipal Planning Commission appointed by Council.
 - 2.3.6 "MPC" is the Municipal Planning Commission of the Town of Nanton established by this Bylaw.

- 2.3.7 "Municipal Government Act" is the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended or legislation substituted therefore, and is referred to as the Act.
- 2.3.8 "Municipal Planning Commission" is the board, person or persons appointed to exercise only such powers and perform duties as are specified:
- i. in the Act; or
 - ii. in the Town of Nanton Land Use Bylaw; or
 - iii. in the Town of Nanton Subdivision and Development Authority Bylaw; or
 - iv. in this Bylaw; or
 - v. by resolution of Council.
- 2.3.9 "Regulations" means the Subdivision and Development Regulation AR 43/2002, as amended.
- 2.3.10 "Secretary" is the person or persons appointed by Council to act as secretary of the Municipal Planning Commission.

3. MEMBER APPOINTMENTS:

- 3.1 Appointments and Composition shall be a five (5) voting Member MPC:
- 3.1.1 Three (3) Members of Council
 - 3.1.2 Two (2) alternate Members of Council to serve in the absence of one or more MPC Members.
 - 3.1.3 Two (2) public Members-at-large appointed by resolution of Council.
- 3.2 The Development Officer and/or the CAO and/or designate may be present as non-voting advisors to the MPC and attend scheduled MPC meetings as required.
- 3.3 A Town employee shall be designated as a non-voting recording secretary to the MPC by the Chief Administrative Officer and will be available for all meetings.
- 3.4 Appointments of the Members of Council to the MPC shall be made by Council annually at its Organizational Meeting for a term of one (1) year and may be reappointed upon the expiry of the term at the discretion of Council.
- 3.5 Members-at-large shall be appointed by Council for the term from the meeting at which they are appointed to the Organizational Meeting of the following year.
- 3.6 The Members of the MPC must elect the Chairperson and Vice-Chairperson of the MPC annually in its first meeting following the annual Organizational Meeting of Council.
- 3.6.1 If either of these positions is vacated during the year, an election must be held at the next meeting following this vacancy.
- 3.7 Members of the MPC shall not be:
- 3.7.1 Members of the Chinook Intermunicipal Subdivision and Development Appeal Board
 - 3.7.2 Employees of the Town
 - 3.7.3 Non-residents of the Town
 - 3.7.4 Any person who carries out subdivision or development powers, duties and functions on behalf of the Town.



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- 3.8 Each Member of the MPC shall be entitled to remuneration and expenses pursuant to Council policy.
- 3.9 When a person ceases to be a Member of the Municipal Planning Commission before the expiration of his/her term the Council shall, by resolution, appoint another person for the unexpired portion of that term within 90 days.
- 3.10 If a Member-at-large position remains vacant after 90 days, it shall remain open until filled. Alternate Members of Council, appointed pursuant to section 3.1.2, shall fill said vacancies on an interim basis.

4. TERMINATION OF APPOINTMENT

- 4.1. Subject to Section 4.2, the rules of conduct relating to pecuniary interest contained in Sections 170 and 172 of the Municipal Government Act, RSA 2000, Chapter M-26, as amended, shall be deemed to apply to Members of the MPC.
- 4.2. Council may by resolution, terminate the appointment of any Member of the MPC, if:
 - 4.2.1. The Member violates the rules of conduct referred to in Section 4.1;
 - 4.2.2. The Member uses information obtained through his/her position as a Member of the MPC to gain a pecuniary benefit in respect of any matter in which he/she has a pecuniary interest; or
 - 4.2.3. The Member otherwise conducts himself/herself in a manner that Council considers to be improper.
- 4.3. Except in the event of illness, or absence authorized by prior resolution of the MPC and entered upon the minutes, a public Member-at-large who is absent from three (3) consecutive meetings of the MPC may cease to be a Member. If a Council Member misses three (3) consecutive meetings of the MPC, the Chair of the MPC may make Council aware of this matter and request that another Council Member be appointed to the MPC.

5. POWERS AND DUTIES

- 5.1 The MPC:
 - 5.1.1 Shall serve as a Subdivision Authority pursuant to Part 17 of the Act and Regulation thereunder, as may be amended from time to time, for proposed subdivisions within the Town of Nanton;
 - 5.1.2 Shall perform on behalf of Council such functions as are assigned to the MPC under the Town of Nanton Land Use Bylaw, as amended, or by the Act and Regulations thereunder;
 - 5.1.3 May advise an MPC or subdivision approving authority in an adjacent municipality with respect to referrals on proposed planning matters adjacent or near the Town of Nanton;

5.1.4 Shall perform on behalf of Council, such other functions as the Council may assign to it.

5.2 Sections 145(b) of the Act, and Bylaws passed by Council pertaining to the procedures of council and council committees shall be deemed to apply to Members of the MPC.

6. RULES OF ORDER:

6.1 The procedure of meetings of the MPC shall follow, so far as is applicable, the procedure established by the *Council and Committee Procedural Bylaw*, as amended.

6.2 The MPC shall have the power to establish such other or different rules relating to matters being considered at a meeting of the MPC as are deemed appropriate by the MPC.

7. MEETINGS AND BUSINESS

7.1. The MPC shall meet as required to undertake the duties assigned to it under Section 5 of this Bylaw.

7.2. Subject to the completion of the statutory notice to all affected parties, a special meeting of the MPC may be called by, and at the place and time, appointed by the Chair.

7.3. If the MPC wishes to consult or obtain information from an employee of the Town of Nanton, it may do so through a request to the Development Officer, that such employee attend either a meeting being held or such subsequent meeting as the MPC may designate.

7.4. The meetings of the MPC shall normally be held in public provided that the MPC may for reasons it deems fit, hold a closed meeting of the MPC.

7.5 Order of business and certain established procedural rules pursuant to section 6.2 are listed in Schedule 'A' attached to this Bylaw.

8. VOTING AND QUORUM

8.1 Voting at meetings of the MPC shall observe the following:

8.1.1 Each Member of the MPC present at a meeting of MPC shall have a vote.

8.1.2 A tie vote shall mean a defeated vote.

8.1.3 Notwithstanding Section 3.11.1, only those Members of the MPC present during the entire length of the discussion pertaining to a matter being considered at a meeting of the MPC shall have a vote on the matter.

8.1.4 Any Member, prior to a vote being taken, may ask for a recorded vote and the Chair shall record the names of those who vote for and those who vote against a decision in the minutes.

8.2 Three (3) voting Members of the MPC shall constitute a quorum at any meeting of the MPC.

9. SECRETARY:

- 8.1 The Development Officer or a designate of the Development Officer shall be the Secretary for the MPC.
- 9.2 The Secretary shall record the minutes and decisions of the MPC.
- 9.3 The Secretary shall prepare an agenda for each meeting of the MPC and prior to each meeting, shall deliver via email or make available on the Town of Nanton's website a copy of the agenda thereof to each Member of the MPC and the public.
- 9.4 All notices of decisions and any other documents, subject to Section 5 of this bylaw, shall be signed on behalf of the MPC by the Secretary to the MPC.

10. FEES

- 10.1 Any person(s), other than an MPC Member, the Development Officer or CAO, requesting an additional or unscheduled meeting of the MPC (a special meeting), shall pay, in advance, the applicable fee pursuant to the Land Use Bylaw, as amended.

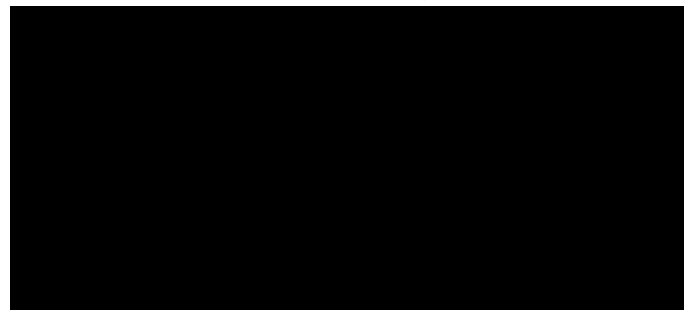
11. SEVERABILITY

- 11.1 If any section or parts of this bylaw are found in any court of law to be illegal or beyond the power of Council to enact, such section or part shall be deemed to be severable and all other sections or parts of this bylaw shall be deemed to be separate and independent there from and to be enacted as such.

12. EFFECTIVE DATE AND READINGS

- 12.1 This bylaw comes into effect upon the date of final reading and signing thereof.
- 12.2 This bylaw rescinds Bylaw #1210/09 & #1236/11, being the former Municipal Planning Commission Bylaw, and any amendment thereto.
- 12.3 Read a **first** time this 16th day of August, 2021

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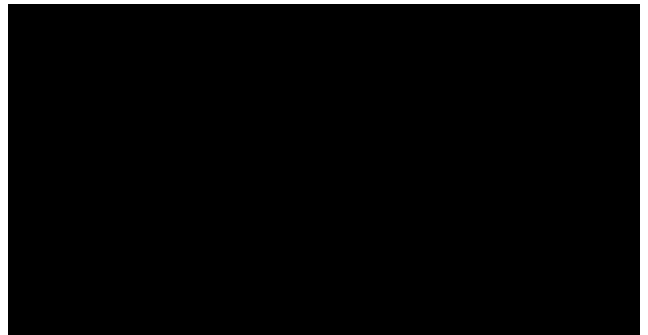
12.4 Read a **second** time this 7th day of September, 2021

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12.5 Read a **third** time this 7th day of September, 2021

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Bylaw #1353/21 - Schedule 'A'

Established procedure that may be amended by MPC resolution.

1. In the absence of the Chairperson or Vice Chairperson within fifteen minutes after the hour appointed for a MPC meeting, the Secretary will call the meeting to order and a chairperson will be chosen by the Members present who will then preside over the meeting or until the arrival of the Chairperson or Vice Chairperson. If there is no quorum present within half an hour after the time appointed for the meeting, the Secretary will record the names of the Members who are present and the meeting will be absolutely adjourned and rescheduled.
2. The order of business on the agenda may include the following:
 1. Call to Order & Adoption of the Agenda
 2. Adoption of Minutes of Previous Meetings
 3. Delegations by Appointment
 4. Development Applications
 5. Sign Applications
 6. Subdivision Applications
 7. Permits Issued
 8. Other Business
 9. Recommendations to Council
 10. Adjournment
3. Written submissions received by the Secretary on an agenda item after the agenda package is distributed to Members, and additions or deletions to the agenda, as presented, may be accepted by resolution.
4. No late submissions may be accepted after the adoption of the agenda unless approved unanimously by resolution.
5. Meetings of the MPC may only be scheduled or cancelled by:
 - 5.1 Resolution of Council or the MPC (monthly tentative schedule),
 - 5.2 The Chair/ Development Officer (special meeting/ rescheduled meeting),
 - 5.3 The CAO or designate (special meeting).