

**MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9**  
**BYLAW NO. 1285-18**

BEING A BYLAW IN THE MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9 IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF ESTABLISHING A DEVELOPMENT AUTHORITY AND MUNICIPAL PLANNING COMMISSION BYLAW.

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WHEREAS the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26, as amended, pursuant to Section 624, requires the municipality to adopt a bylaw to establish a Municipal Development Authority;

AND WHEREAS the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26, as amended, pursuant to Section 626, may adopt a 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 South Saskatchewan Regional Plan, 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 and Designated Officer to carry out the duties of the Development Authority.

NOW THEREFORE, under the authority and subject to the provisions of the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26, as amended, the Council of the Municipal District of Pincher Creek No. 9, in the Province of Alberta, duly assembled does hereby enact the following:

1. This bylaw may be cited as the Municipal District of Pincher Creek No. 9 “Municipal Planning Commission and Development Authority Bylaw”.
2. Definitions:
  - a. **Act** means the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26, as amended.
  - b. **Authorized persons** means a person or organization authorized by council to which the municipality may delegate any of its Development Authority powers, duties or functions.
  - c. **Council** means the Municipal Council of the Municipal District of Pincher Creek No. 9.
  - d. **Designated officer** means a person or persons authorized to act as the designated officer for the municipality as established by bylaw.
  - e. **Development Authority** means the person or persons appointed, by bylaw, to exercise only such powers and perform duties as are specified:
    - 1) in the Act; or
    - 2) in the Municipal District of Pincher Creek No.9 Land Use Bylaw; or
    - 3) in this bylaw; or
    - 4) by resolution of council.
  - f. **Member** means the members of the Municipal Planning Commission.
  - g. **Municipal Planning Commission** (“MPC”) means the Municipal Planning Commission of the Municipal District of Pincher Creek No. 9 as established by this bylaw.
  - h. **Municipality** means the Municipal District of Pincher Creek No. 9 in the Province of Alberta.
  - i. **Secretary** means the person or persons authorized to act as secretary for the Development Authority.

- j. All other terms used in this bylaw shall have the meaning as is assigned to them in the Municipal Government Act, as amended from time to time.

### **Part 1 – Development Authority**

3. The Development Authority for the Municipality is:
  - a. The Designated Officer, for an application for development approval which is a permitted use under the Land Use Bylaw and which complies with the requirements and regulations set out in the Land Use Bylaw.
  - b. The Municipal Planning Commission established under this Bylaw, when the application for development permit is:
    - 1) A discretionary use under the Land Use Bylaw; or
    - 2) A permitted use under the Land Use Bylaw which does not otherwise comply with the requirements and regulations as set out in the Land Use Bylaw.
4. Notwithstanding Section 2, the Designated Officer may forward any application for development approval to the Municipal Planning Commission for a decision.

### **Powers and Duties**

5. The Development Authority has those powers and duties as set out in the Act, the Land Use Bylaw and this Bylaw, and any regulations made thereunder.

### **Appointment of Development Officer**

6. Council may, by resolution, appoint a designated officer as Development Officer(s). The powers and duties of the development officer shall be outlined in the Municipal District of Pincher Creek No. 9 Land Use Bylaw.

## **PART 2 – Municipal Planning Commission**

### **Establishment of the Municipal Planning Commission**

7. That a Commission known as the Municipal Planning Commission of the Municipal District of Pincher Creek No. 9, is hereby established.

### **Membership**

8. The MPC shall be composed of not less than seven (7) persons as follows:
  - 2 members at large, who are adult residents of the Municipal District of Pincher Creek No. 9; and
  - 5 members of council.

All appointments by resolution of Council.

9. Four (4) of the members of the MPC shall constitute a quorum.
10. A member of the MPC shall not be appointed to the Subdivision and Development Appeal Board.
11. Appointments to the MPC shall be made for a term of 2 years.
12. When a person ceases to be a member of the MPC before the expiration of his term, council shall appoint another person for the unexpired portion of that term within 60 days of receiving notice of the vacancy.

### **Chairperson and Vice-Chairperson**

13. The MPC shall elect a Chairperson and Vice-Chairperson from its members to preside for a term of one year from the date of election.
14. Where the Chairperson and Vice-Chairperson are both absent from a meeting of the MPC, one of the other members shall be elected by a simple majority to preside over that meeting.

### **Secretary**

15. The Designated Officer(s) shall serve as Secretary to the MPC, and shall:
  - a. not have a vote;
  - b. notify all members of meetings of the MPC;
  - c. notify the public pursuant to the notification procedure of the Land Use Bylaw and the Act;
  - d. prepare and maintain a file of written minutes of the business transacted at all meetings of the MPC;
  - e. record decisions of the MPC and issue the decision and/or permit forthwith to all parties affected;
  - 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. keep record of the names and addresses of those making representations at the meeting;
  - h. undertake other duties as the MPC may require in the conduct of its business.
16. In the event of a tie vote, any motion of the MPC shall be deemed defeated.

### **Functions and Duties**

17. The Municipal Planning Commission has the following functions and duties:
  - a. upon request of Council, to advise Council with respect to achieving the orderly, economical and beneficial development, use of land and pattern of settlement in the Municipality; and
  - b. to serve as a Development Authority pursuant to Part 17 of the Act and of this bylaw.
18. The MPC shall hold regular meetings on a monthly basis on a date to be determined by the Council and it may also hold special meetings at any time at the call of the Chairperson. Where a monthly meeting is not warranted it can be cancelled or re-scheduled at the discretion of the Chairperson.
19. 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 the Act Part 17 and any regulations made thereunder.
20. A decision of the MPC is not considered final until notification of the decision is given in writing.
21. If a member has a pecuniary interest in the matter before the MPC, the member shall:
  - a. disclose the general nature of the pecuniary interest to the MPC prior to the MPC's consideration of the matter;
  - b. abstain from discussion and disposition on the matter; and
  - c. leave the room in which the meeting is taking place until discussion and disposition of the matter is completed.
22. The abstention of the member and the disclosure of the member's interest shall be recorded in the minutes.
23. Notwithstanding Section 15(f) of this bylaw, any order, decision or approval made, given or issued by the MPC may be signed by the Chairperson or Vice-Chairperson of the MPC.

**Repeal**

24. Bylaw No.854 and amendments 1016-98 and 1034-00, being the former Municipal Planning Commission bylaw, is hereby repealed.

READ a first time this 27<sup>th</sup> day of March, 2018.

READ a second time this 27<sup>th</sup> day of March, 2018.

READ a third time and finally PASSED this 10<sup>th</sup> day of April, 2018.

  
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*Reeve*

  
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*Chief Administrative Officer*