

BYLAW 14-03
TOWN OF BLACK DIAMOND

A BYLAW OF THE TOWN OF BLACK DIAMOND FOR THE PURPOSE OF ESTABLISHING THE PROCEDURE, CONDUCT AND COMPOSITION OF THE MUNICIPAL PLANNING COMMISSION

WHEREAS Pursuant to and under authority of Section 626 of the Municipal Government Act, S.A. 2000, Chapter M-26, as amended, the Municipal Council may by bylaw establish a Municipal Planning Commission, whose duties may include but are not limited to subdivision and development powers and duties;

AND WHEREAS the Municipal Council has adopted Bylaw 98-14 which has assigned subdivision and development powers and duties to the Municipal Planning Commission;

AND WHEREAS the Municipal Government Act, S.A. 2000, Chapter M-26 and amendments thereto authorizes the Council of the Town of Black Diamond to pass bylaws in relation to the functions of Council Committees and other bodies;

NOW THEREFORE the Council of the Town of Black Diamond, in the Province of Alberta, duly assembled enact as follows:

1. This bylaw may be cited as the Town of Black Diamond Municipal Planning Commission Bylaw.

2. **DEFINITIONS:** In this Bylaw:

“*Act*” shall mean the Municipal Government Act, Revised Statutes of Alberta 2000 Chapter M-26 and any amendments thereto.

“*Council*” shall mean the Council of the Town of Black Diamond.

“*Development Authority*” shall mean the entity authorized to exercise development powers and duties, including making decisions on Development Permit applications, on behalf of the Town, in accordance with Land Use Bylaw 98-14, and amendments thereto.

“*Municipality or Town*” shall mean the “Town of Black Diamond” a municipal corporation in the Province of Alberta and where the context so requires means the area within the corporate boundaries of the said municipality.

“*Subdivision Authority*” shall mean the entity authorized to exercise Subdivision powers and duties, including making decisions on Subdivision applications, to act on behalf of the Town, in accordance with Town Plans, Bylaws and Policies.

“*Chief Administrative Officer*” shall mean the position established by bylaw to which the administrative head of the Town is appointed by Council.

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3. COMPOSITION AND CONDUCT

- 3.1** The Municipal Planning Commission shall be composed of the following:
- (a) not less than three (3) members at large who shall be appointed by resolution of Council and two (2) Council members who shall be appointed by resolution of Council.
 - (b) No person who is a Subdivision or Development Officer, an employee of the municipality or a member of the Subdivision and Development Appeal Board shall be appointed to the Municipal Planning Commission.
 - (c) The Subdivision and/or Development Officer may be an advisor and act as Secretary to the Municipal Planning Commission and shall be invited to attend all meetings, but shall not have a vote.
 - (d) Vacancies shall be filled by resolution of Council.
 - (e) Any member may resign at any time and Council may request the resignation of any member prior to the expiry of the appointment.
 - (f) Vacancies shall be considered to have occurred upon:
 - (i) a member ceasing to reside in the Municipality;
 - (ii) death of a member;
 - (iii) resignation of a member or upon ceasing to hold office as a Councillor;
 - (iv) a member being absent for three (3) consecutive meetings without the approval of the Chairperson;
 - (v) for cause, at the discretion of Council.
 - (g) The members of the Municipal Planning Commission shall elect from its membership a Chairperson and a Vice-Chairperson.
 - (h) Elections of the Chairperson and Vice-Chairperson shall occur at the first meeting after each annual organizational meeting of Council.
 - (i) In the event of the absence or the inability of the Chairperson to preside at a meeting, the Vice-Chairperson shall preside.
 - (j) In the event of the absence or the inability of both the Chairperson and Vice-Chairperson to preside at a meeting, the members present shall elect one of its members as Chairperson for that meeting.
 - (k) A simple majority of all of the Municipal Planning Commission shall constitute a quorum.
 - (l) Only those members present at any meeting of the Municipal Planning Commission and hearing all the evidence shall vote on any matter before it.
 - (m) The Municipal Planning Commission may deliberate and make decisions in meetings closed to the public in accordance with Section 197 of the Act.

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- (n) The decision of the majority of the members of the Municipal Planning Commission present at a meeting duly convened is deemed to be the decision of the whole Municipal Planning Commission.
- (o) In the event of a tie vote, the motion shall be deemed to be denied.
- (p) The Municipal Planning Commission may, at its discretion, invite the public to speak to matters on the agenda of the Municipal Planning Commission.
- (q) When the Municipal Planning Commission deems it desirable, it may request a person or persons to attend its meetings in an advisory capacity but such person or persons shall not be members of the Municipal Planning Commission and shall not have a vote.
- (r) Meetings of the Municipal Planning Commission shall be as frequently as is necessary, but it shall meet within thirty (30) days from the receipt of an application for development or subdivision.

4. DUTIES AND RESPONSIBILITIES

- 4.1 To act as a Development Authority pursuant to the Land Use Bylaw 98-14.
- 4.2 To act as a Subdivision Authority pursuant to the Land Use Bylaw 98-14.
- 4.3 To advise and assist Council and to coordinate with various departments and Committees of Council with regard to the planning of orderly and economical development and maintaining and improving the quality of the physical environment of the Town, including but not limited to the following:
 - a) Review and provide comments and/or recommendations to Council on proposed amendments to statutory and non-statutory planning documents;
 - b) Review and provide comments and/or recommendations on Town projects to Council, Town departments, or committees of Council;
 - c) Advise Council on land use matters;
 - d) Serve as Steering Committee for planning-related projects, as directed by Council.
- 4.4 Signing authority for Development Permits and Notices of Decision shall be the Development Officer.
- 4.5 Signing authority for Transmittals of Decision and Endorsements of Subdivision shall be the Subdivision Authority.

5. DUTIES OF THE SECRETARY

- 5.1 The Secretary shall:
 - (a) Notify all applicants, members and advisors of the Municipal Planning Commission of the arrangements for the holding of each regular and special meetings of the Municipal Planning Commission;

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- (b) Notify such persons as the Municipal Planning Commission may designate of the decisions of the Municipal Planning Commission and the reasons therefore;
- (c) Keep and maintain on file, for the inspection of the public, during all reasonable hours, the following official records:
 - (i) a register of all applications for subdivision including the decisions thereon and the reasons therefore;
 - (ii) records of all decisions and the reasons therefore, written minutes of all meetings and business transacted by the Municipal Planning Commission;
- (d) Carry out such other administrative duties as the Municipal Planning Commission may specify.

- 6. Bylaw 06-23 and any amendments thereto, is hereby repealed.
- 7. This Bylaw shall come into effect on the date of its **THIRD** and **FINAL** READING.

READ A FIRST TIME THIS 15th day of January, A.D., 2014.



MAYOR



CHIEF ADMINISTRATIVE OFFICER

READ A SECOND TIME THIS 15 day of January, A.D., 2014.



MAYOR



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